

is the Editor of the
Edinburgh Medical & Surgical
Journal
MEDICO-LEGAL REFLECTIONS

ON

THE TRIAL

OF

DANIEL M'NAUGHTEN,

FOR THE MURDER OF MR. DRUMMOND;

WITH REMARKS ON THE DIFFERENT FORMS OF INSANITY, AND THE
IRRESPONSIBILITY OF THE INSANE.

BY

JAMES GEORGE DAVEY, M.D.

OF THE ROYAL COLLEGE OF PHYSICIANS, LONDON, MEMBER OF THE ROYAL COLLEGE OF
SURGEONS, &c. ONE OF THE SURGEONS TO THE COUNTY LUNATIC ASYLUM,
HANWELL, MIDDLESEX.

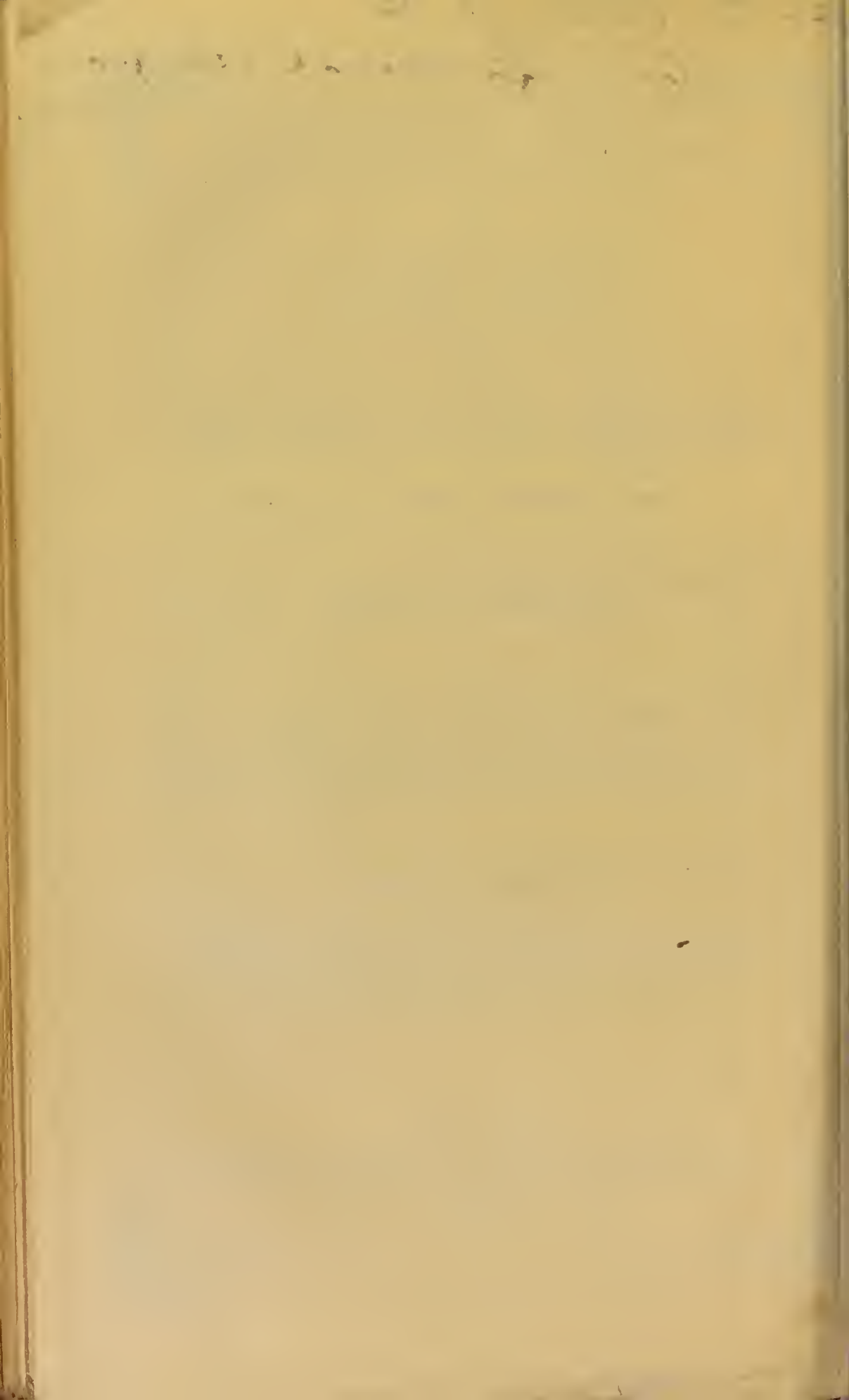
WITH AN APPENDIX,

CONTAINING STRICTURES ON THE PERIODICAL PRESS IN RELATION TO
THE ABOVE.—THE WHOLE BEING DESIGNED TO PROVE THE ENTIRE
INAPPLICABILITY OF THE LAW, TO THE QUESTION OF INSANITY,
CONSIDERED AS A BRANCH OF MENTAL PHILOSOPHY.

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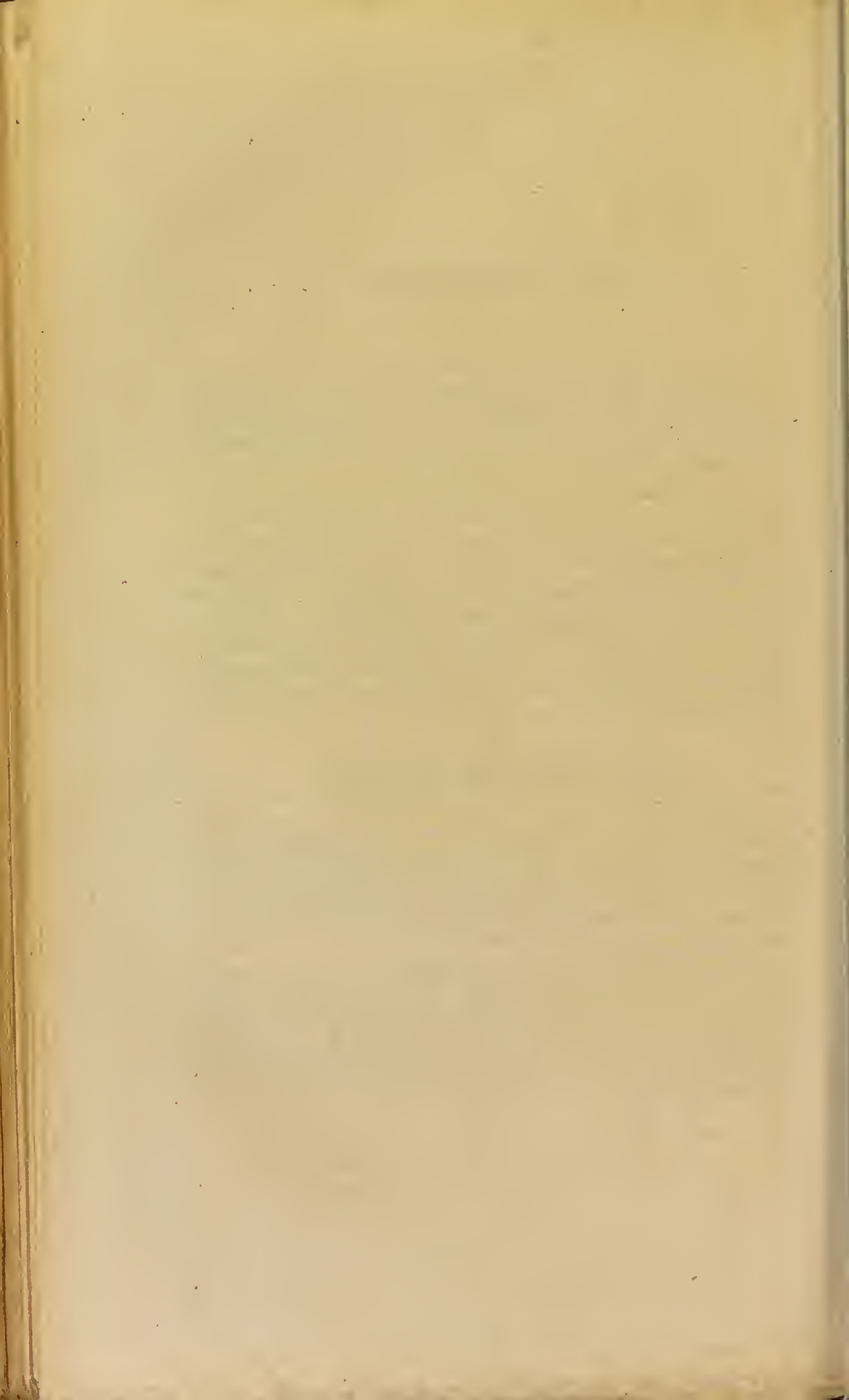
ADVERTISEMENT.

THE general ignorance and inattention on the part of the public generally, in matters concerning Insanity and their responsibility of the Insane, must plead the author's apology for the appearance of the following observations. The present crisis, too, is one which has too surely proved the indispensability of more correct views on the subject. This is readily seen to be the case, if we reflect on the remarks which have of late appeared in many of the periodical publications of the day: and which, it may be added, display generally as little of humanity as they do of reason. When we consider the extent to which the opinions of mankind are influenced by the press, it is impossible not to regret the lamentable deficiency of physiological knowledge which characterizes it. For the opinions about to be submitted to the reader, the author would only require *an impartial investigation*.

"Errors, like straws, upon the surface flow,
He who would seek for pearls, must dive below."

What the author wishes, in common with many more, is that man should strive *to get below the SURFACE*. The united labours of Bell and Gall in what relates to the Cerebro-Spinal System, have effected so complete and splendid a reform, that the *diseases* to which it is subject can never hope to be understood, without a reference to their great discoveries.

In the present instance, we have preferred to employ the term *mind* and its verbal modifications rather than adopt the more correct physiological expression of "*cerebration*," first used by Dr. Engleduc. Inasmuch as both words express only the function of the brain, and not an abstract quality, the latter will be distinctly perceived to be the more preferable.



REFLECTIONS.

&c. &c.

To understand in the slightest degree the nature of any one variety of *insanity*, it is indispensable to possess correct notions of the *sound mind*. The brain is the organ of the mind, that is to say, the brain is that organ of the body which executes all those powers called mental. A healthy brain implies then, a sound mind, and *vice versa*. By a healthy brain is here meant, not only the cerebral mass in perfect freedom from disease or altered structure, but also with its several parts or "organs" so nicely balanced, as will enable the individual under all ordinary circumstances at least, to preserve his conduct, in harmony with the laws of social life.

The subject of the functions of the brain, or mind, must be understood to embrace a consideration of not only the intellectual powers, but also of the affections, the sentiments and propensities; for the brain partakes, in common with the heart, liver, lungs, &c., of a particular organic arrangement of parts, each contributing its requisite and peculiar aid to complete the appropriate function of the whole organ.

If, for example, a superficial observer were to direct his attention to the *heart*, he would be content to regard the organ as the centre of the circulation only, as the mere seat of that particular power, which by propelling the blood into the principal arterial trunks, caused it to be diffused through the whole body. No doubt such a one would think his knowledge of physiology perfect: the uninitiated would look up to him with wonder and admiration. By the really scientific, such a person could be regarded in no other light than an unhappy pretender, a mere dabbler in truth. Suppose, for the sake of illustration, that a physiologist of this stamp was required to explain the causes and consequences of impaired action of the heart, of deranged circulation, and the sympathetic disturbances which necessarily accompany it: suppose him called on to demon-

strate, either theoretically or practically, the structure and uses of the tricuspid, semilunar, and other valves, so beautifully arranged within this important organ, and acting as sentinels to the ingress and egress of the vital fluid pursuing its unvarying course, and so providently harmonizing with the whole design: imagine him, I say, deputed to demonstrate the relative structures of the ventricles and auricles; and their peculiar organic adaptation to the functions required of them individually, including too, the evidences of disease of these several parts enumerated—where, I ask the student of physiology and pathology desirous of correct views, would he limit his disappointment, his disgust, at being thus tortured with a shadow? Let the humane picture to himself the protracted sufferings of all those poor patients, who in the hope of relief from disease of the organ we are considering, had placed themselves under the care of a physician whose treatment of their cases would be based on such superficial and dangerous views of anatomy and physiology. To comprehend, then, the circulation of the blood in the human body, it is seen how necessary it is to be possessed of correct views of the anatomy of the heart, and of its several parts, their relative position and mutual dependency. Nothing too can be more self-evident than that a knowledge of the healthy function of the organ must necessarily precede correct notions of the derangements to which it may be subject; of, in one word, its diseases. The application of the above argument to the due consideration of what relates to the anatomy, physiology and pathology of the brain, will be seen as the reader proceeds.

The entire brain, it must be well remembered, is nothing more or less than a union of parts, or organs, which are no less variously combined into one whole, than are the individual features of the entire face; and just, as in the latter instance the physiognomy takes its peculiarity from their relative and reciprocal arrangement and form, so in the former does the character of man, in one word, his *mind*, take its peculiarity from the combination of the parts or organs of the brain before mentioned. This doctrine will be readily recognised as that of the immortal Gall, previously to whose great and imperishable discoveries, our knowledge of the brain, and its uses and diseases, were in no less crude and unsatisfactory a state than that of the circulation previously to the time of the great Harvey.

The brain is one of the many parts of the body, and like the heart, the liver, the lungs, &c., is of course subject to the same general

laws, is liable to similar irregularities of action, and exposed to corresponding accidents, is affected by the same sympathies, whether in health or disease, and unites with the general organism of the body, in contributing its share of the several phenomena, which, being united in the individual, constitute *life*. What is true of the whole brain, is equally so of its individual parts. In health, it is to be presumed that the several organs entering into the composition of man, preserve so nice a balance in the performance of their several functions, that the individual is only rendered conscious of their operation, by the general effect, namely, *health*. The reciprocal dependency, here treated of, of such "several organs" is seen to be directly the result of the operation of precisely the same principle, viewed in connection with the individual parts of each organic apparatus, viz.: the brain, or heart, or liver, &c.: that is to say, that the integrity, both as regards quantity and quality, of the several elements of which an organ is compounded, is no less indispensable to the healthy action of such organ individually, than is that of the whole organ to the health of *man*. The viscera, too, are severally excited to action by their respective stimuli—the blood stimulates the heart and arteries to their natural action, the oxygen of the atmosphere exerts its peculiar stimulus on the lungs, the presence of food excites the stomach to the performance of its function, and the numerous impressions conveyed to the brain through the medium of the external senses, exert their peculiar and respective influence on the brain, and affect it accordingly. The presence of undecarbonised blood in the heart and blood-vessels has the effect of destroying the healthy power of these parts; they are rendered incompetent to the discharge of the important office required of them in the animal economy, their contractile efforts are irregular and enfeebled, and, therefore, disproportionate to health. The respiration of carbonic acid or any other aerial poison deranges the natural functions of the lungs, and inflames their tissues. The presence of unwholesome food renders digestion painful, or, it may be, impossible, and thereby induces organic disease; and, lastly, does the impression on the brain of whatever is disagreeable and irritating excite in that organ a corresponding degree of pain and distress. These several effects, above mentioned, are of course more or less permanent, and depend both on the intensity of the cause, and constitutional peculiarity of individual cases. What are the practical inferences from all this? Is it not apparent that both health and disease are very much in our own hands? This fact is

immensely important, and well known and attested at the present day.

It is, however sufficient for our purpose to regard it only in connexion with the brain. If, as has been described, the brain be the organ of the mind, or, more properly, the seat of all the phenomena called *mental*, it follows, as we have explained, that it must be, as it really is, composed of a plurality of organs, whose absolute functions, though different, are yet so beautifully, so harmoniously blended as to be most easily identified. It need hardly be observed, that the character of man results from the relative proportion, of the intellectual and moral powers, and the propensities. Of these mental qualities thus enumerated there are many varieties, which need not be here specified: it will suffice to observe that each faculty is assigned its appropriate organ, is allotted its locality on the surface of the brain; and which answers generally to the external physical characters of the skull: a fact which enables the phrenologist to anticipate, not only peculiar inclinations and aversions in individual cases, whether they relate to the intellectual or moral powers or the propensities, but, moreover, in some a predisposition to particular forms of mental disease. We have in many instances availed ourselves of a knowledge of phrenology, in the direction and cure of the insane. Thus, then, it is perceived that, as in the case of the superficial observer before imagined, and of whom we spoke in connexion with the danger of a little learning as applied to another branch of human physiology; a proper knowledge of the mind, as it is called in the abstract, is by no means the simple matter many would persuade us; that, like every other department of medical science, a correct knowledge of the brain, its functions and diseases, cannot be acquired without great industry and patient thought. It is seen, too, that to isolate the *mind*, and consider it apart from the brain, is sheer nonsense. Inasmuch as the brain and its parts have been shown to hold the same relation to the thoughts, the feelings, the sentiments, the affections and the propensities, or whatever else the reader pleases to embody in the word *mind*, that the heart and its parts, collectively, do to the circulation of the blood; it follows that, in both instances, the diseases of neither the one or the other can be understood without a preliminary acquaintance with their anatomy and physiology. Who, of the many critics that have appeared in the controversy about the case of Daniel M'Naughten, will presume to such a knowledge!! The difficulties, too, are much increased, when we remember the sym-

pathetic and functional derangements to which the heart and brain are liable.

The observations already made will, we trust, suffice to convey some general notion of the subject of *mind*: at the same time that the reader will perceive the manner in which the brain, as the organ of the *mind*, is made subject to the same general physiological laws which pervade the entire system. A knowledge of which fact is indispensable. The term *Insanity* conveys the idea of unsound mind, and in order to express its varieties, the words *Mania*, *Melancholia*, *Monomania*, *Dementia*, &c., are in common use. Such import no more than a very general notion of the character of the disease. If the reader bears in mind the preceding remarks, and the principles upon which they are based; he will readily understand how the brain, like any other viscus, may suffer from repletion or collapse; that its function may become impaired in consequence either of general or local alteration of structure, or, in other words, that a part only of the whole organ may become affected with disease, the remainder preserving its normal or healthy character. Disease of the brain, then, may either be confined to a part, or it may affect the whole: and the disease, or impairment of function, may be at the same time either the consequence of excessive or diminished action, and in any case it may be either functional or organic, either idiopathic or symptomatic. The indications of which several pathological conditions are those recognised by the general term of *Insanity*. Now, disease of any part of the body, including, of course, the brain, is indicated by an interruption to its particular and healthy action; hence, it follows that, if as we have shown, the brain possesses parts or organs whose functions consist of respectively, caution, veneration, self-esteem, firmness, acquisitiveness, destructiveness, combativeness, ideality, gaiety, hope, &c., it follows, I say, that a derangement of the *mind*—considered in the abstract—might be caused by disease affecting one, or two, or more of such functions exclusively. Herein consists the only clue whereby to unravel the mysteries of mental derangement, of, in one word, *Insanity*.

In *Mania* there is—as a general rule—repletion of the *whole* brain, that is to say, there is too great a quantity of blood circulating through the cerebral mass and its membranes, the consequence is, an exaltation of function. In the converse—*dementia*—the quantity of circulating fluid is too small. In cases of *Mania*, wherein the cerebral conformation is nicely balanced, that is, where the several parts or

"organs" of the brain are equally disposed, and the brain *wholly* under the influence of diseased action, there will be no incoherence, and vice versa. Mania is NOT always associated with incoherence, as is too generally believed. It is a symptom of mental derangement, which when occurring in mania, so called, or violent madness, must be regarded as the consequence of a too rapid succession of the thoughts and feelings: and when associated with dementia, as it oftentimes is, as an indication of a want of power in the parts or organs of the brain originating such thoughts and feelings, respectively, to sustain more than a temporary effort; upon precisely the same principle that an enfeebled muscle is but competent to a slight physical action. Many patients, when labouring under general mania, display yet a more excited state of one faculty or propensity than the remainder. One will steal, another will be very mirthful, another very destructive, another very proud, &c., &c. In these cases, the preponderating organs impart the peculiar character to the disease. Mania is not infrequently succeeded by a state of mind which characterizes *Monomania*: the disease then passes from an acute into a chronic form, and, as in health, the larger organs preserve the ascendancy. Monomania, or "*partial insanity*," so called, is however more generally of another kind. It is regarded as a disease in which some particular illusion takes so fast a hold of the patient as to pervert his whole nature, and prostrate his every faculty, intellectual and moral, which may be in any way involved in this same illusion.

Moral Insanity, of which what is called Melancholia, must be I think regarded as a variety, is a form of disease which comprises endless modifications, and which in every instance depend on the number and extent of the *moral organs* of the brain, which may happen to be affected; or what is the same thing, on the extent and degree of organic change of the membranes covering the superior surface of the brain, and in contact with them. In what is recognised as Moral Insanity, there is observed a derangement of the sentiments and affections, and which may involve one only, or many of the moral relations of our nature. The long continuance of a disorder of the active feelings, wherein an entirely artificial and morbid relationship would seem to have sprung up between the external senses and surrounding objects, in spite of the integrity of the intellectual powers, will sometimes as it were unintentionally on the part of the patient, engender an unconquerable indulgence, in some imaginary cause of so much mental uneasiness—of which

of course he is perfectly conscious : he will endeavour to persuade himself of the reality of a sufficient source of his sufferings, and so excuse them to himself.

Habit at length confirms the idea thus self-created, and it is found so to harmonize with his morbid feelings, that he readily yields himself up to it. *Thus is Monomania; but the mere sequence of Moral Insanity.* We have for a long time past expressed this conviction, and therefore experience no slight satisfaction in being supported in it by the very high authority of Dr. Prichard, of Bristol. In instances of *Moral Insanity*, with or without illusion or hallucination, it is common to witness sudden and violent outbreaks of the propensities, which impart to the disease the character of "instinctive madness" as it is termed. The predisposition to such, is however, to be oftentimes anticipated by an examination of the head. For, as has been above explained, both in health and disease, as a general rule it is observed that those organs which are the most fully developed, impart *the character* to the individual case. If sanity presupposes the several organs or parts of the brain in a state of *equilibrium*, then, does insanity imply the absence of such. And in this light, it will be apparent, that Insanity may exist with or without disease of the brain, than which nothing can be more true. If for instance an individual has the organs of cautiousness very large, with those of destructiveness very deficient, it necessarily follows, that his timidity, his want of energy of character, will incapacitate him for the ordinary duties of life. We know a case precisely of this kind in a female.

A patient, an inmate of the Hanwell Asylum, labours under a form of insanity, characterized by excessive and obdurate pride. She sits always in one position, with her head thrown upwards, and backwards, and her eyes directed to the ceiling, the legs are crossed, and the body erect as a board. She declines speaking to any one, and if spoken to, exhibits the utmost contempt and annoyance. The only condescension she is ever known to be guilty of, is to inflict a severe chastisement on some person or other, who may happen to incur her *particular* displeasure. So far as we can learn, this patient has no illusion or hallucination; her intellectual capacities are very good. Yet is she so thoroughly insane, that to doubt it would be indeed *madness*.

This case illustrates the position we just now laid down, viz., that disease or derangement of the brain may be either local or general, exactly as of the heart, or lungs, or liver.

We know too a male patient, also an inmate of the asylum, whose

unbalanced brain is made manifest by an excessive action of the organs of hope, self-esteem, and love of approbation. This man is exceedingly clever, and his moral perceptions *generally* are unexceptionable. He has no kind of illusion or hallucination. His existence is, in fact, one of unalloyed bliss. In the words of the poet—

“ He lives in a bright beaming world of his own,
And the light that surrounds him is all from within.”

This individual has been insane now eight years. He has been once discharged, but such was his eccentricity and waywardness of disposition, that it was found necessary to re-admit him. He is perfectly conscious of his peculiarities. I should add he has shewn himself very assiduous in instructing those of the patients who are uneducated. His pretensions as an artist too are by no means inconsiderable. And what adds interest to the case is, his extreme partiality to the society of children, amongst whom he of course reaps the full harvest of his egotism, the which is of so extravagant a kind as to render him unable to preserve his conduct in harmony with the laws of social life; and such we are disposed to regard as the only test of sanity.

Moral insanity, of which the above are examples, may be exhibited in very various and even opposite ways. In excessive, and profuse, and indiscriminate liberality, or the very reverse; in fact, in a morbid *perversion* of almost every natural propensity, or active principle of the human mind.

There are at this moment several cases in the asylum, in which the disease manifests itself by an irresistible propensity to lying and cheating, “to commit every kind of obscene and immoral act that depraved human nature ever attempted.” The portion of the brain which presides over the propensities, is, of course, no less exempt from disease than that which we have referred to as being the seat of the affections and sentiments, and like it, too, the diseased action may be either excessive or diminished, as in the cases of general mania and dementia, in which the whole brain may be said to be involved. We have above alluded to “instinctive madness” in connexion with a sudden impulse to violence. A knowledge of this form of insanity, first described by Pinel, is of particular importance to the jurist. It is commonly an attendant on mania, and the other forms of insanity, or occurs in the course of the mental disease.

There is a very interesting illustrative case at this moment in the Hanwell Asylum, of “*moral insanity*,” indicated by an extraordinary obstinacy of disposition and general perverseness of conduct, and

which not infrequently is carried to an excess almost incredible, wherein the only variety ever observed in it, consists of a violent and sudden impulse to self-destruction. When this patient was first admitted, she suffered from ordinary *mania*, accompanied by slight incoherence. This instinctive propensity to rage and violence, we are here considering, may be either acute or chronic—either temporary or permanent. In the former case, we have known it the precursor of puerperal mania; and in the latter, the prominent feature of “moral insanity.” Though “instinctive madness” and “moral insanity” are terms which convey very different meanings, nevertheless, do these forms of mental disease, in many cases, become so blended as to render a distinction impossible. Now, to imagine an individual suffering from general madness, attended with excessive excitement and furious delirium, we have only to infer such to be the necessary consequence of a violent irritation of the whole brain, or membrans. In such a case, the interminable confusion and incoherence of speech and action, which so commonly characterize the disease, will be but an attendant on the excited and morbid condition of *all* the mental faculties, including the intellectual and moral powers, and the propensities; and, in order to comprehend the precise nature of that form of insanity, which is marked by a sudden, violent, and irresistible impulse to homicide, or suicide, to burn, to steal, &c. &c., it is only necessary to regard the exalted action as confined to a part only of the brain, to destructiveness, or acquisitiveness, and so on; as in the cases before referred to. This view of the case explains most satisfactorily, not only the nature of the disease, but, moreover, demonstrates the reason why the intellectual and moral powers are preserved in their integrity. The *balance* of the brain it is which is lost; and the patient is, of course, the mere instrument of such a physical phenomenon. There are at this moment two very highly interesting cases of this precise kind in the Hanwell Asylum. Pinel has described this form of mental derangement thus—“*Emportement maniaque sans délire*,” or outbreak of furious madness without delusion.

The annexed case is of this particular kind, and is highly interesting viewed pathologically. In 1837, we were hastily summoned to attend a lad aged about twelve, who it was said had made a most awful attempt to murder his sisters. On arriving at the house, we found the whole family in the highest degree of alarm and confusion. We learnt on inquiry, that the lad had for the past three or four days, made some indistinct complaints of being poorly; they had not

however excited any particular attention. The occurrence of some trifling matter of dispute, proved the immediate cause of the complete development of the disease, which had been hitherto lying dormant. It should be mentioned, that his relations had observed, that the boy had been unusually peevish and irritable for many preceding days. Suddenly seizing a carving-knife, he ran from the apartment wherein he was at the time the disease so suddenly reached its climax, and furiously, and resolutely pursued his sisters through the house, and about the out-premises, at the same time raving in the most maniacal strain, and swearing that he must kill them, if they did not run from him. He was fortunately secured by some men who were on the premises, in time to prevent any mischief. The application of suitable remedies subdued the violence of the paroxysm, and it only remained to console the poor boy, and remove the excessive grief which preyed on him in the remembrance of his past insane conduct. He cried bitterly, and in expressing his deep sorrow at what had occurred, begged of his family to be assured that he could not help it. The exciting cause of the attack was the presence of an immense quantity of worms in the intestines. Not only does the above case illustrate very precisely the particular form of *insanity* of which it is a specimen; but it moreover demonstrates two very important rules, which have been laid down in the preceding observations, having reference respectively to the manner in which the several organs respond to the qualities of their natural stimuli conveyed to them—and also to the existence of certain sympathies existing between the brain and the other organs of the body; and which as has been said, have the effect of uniting them into one harmonious and dependant whole. About two years since, an inquest was held on a boy, somewhere in the neighbourhood of London, who having during a sudden paroxysm of “instinctive madness,” failed in an attempt on the life of a fellow female servant, blew out his own brains. It was recorded too about the same time, that a man of colour, after killing his wife, whom he suspected of infidelity, cut his own throat. The *Times* in commenting on it, appeared anxious to know, if it were possible to justify the verdict in this case, of “temporary insanity.” So commendable a solicitude for scientific knowledge, we regret to perceive is now sadly substituted. About three years since, we were consulted by a lady of great intelligence and virtue, a fond mother, and affectionate friend, who complained that each attempt to nurse her infant, produced a most dreadful impulse to destroy it, to throw it in the fire, or out of the window; and which she declared she had

the greatest possible difficulty to suppress. Of course our advice was to wean the child immediately. A slight course of medicine was needed in this case; the health being generally impaired. The above instances owe their individual peculiarity to a deranged action of a part only of the brain, and that part the organ of one of the animal instincts or propensities; viz., *destructiveness*.

In every form of "*instinctive madness*" or "*insane impulse*," whether made manifest by acts of violence, or by that of arson, or stealing, &c.; the peculiar circumstances of each case, are invariably found sufficient to discriminate the crime dependant on *disease*, from that resulting from original depravity. In those other and more common cases, wherein the criminal act is merely associated with some other form of mental disease, and is as it were superadded to it, as in the case of Jonathan Martin, who set fire to the Cathedral Church at York, there can be no difficulty in determining their nature. We have before spoken of the brain, *as a whole*, being under the influence of the same sympathies, whether in health or disease, which affect other parts; as liable to be influenced by functional irregularities of distant bodily organs: the following facts prove to us, that, what is true of the whole brain, is equally so of its individual portions.

Dr. Gall has observed four instances of females, who, *when pregnant*, were afflicted with a vehement desire to steal, though quite free from any such disposition at other times. Herein we have instances of a temporary diseased activity of the organs of acquisitiveness, consequent on the general susceptibility of the nervous system, which so commonly attends on pregnancy. Dr. Hawkins mentions a case of "*homicidal propensity*," in a young woman, whose life was rendered in the greatest degree miserable by this strange propensity to murder her offspring, of whom she was passionately fond, and which completely subsided on an attack of small-pox. Unhappily the dreadful temptation again returned with all its horrors, on its decline. She, however ultimately got well. Dr. Hawkins adds "it is worthy of remark, that during the most distressing periods of her disease, she is perfectly aware of the atrocity of the act to which she is so powerfully impelled, and prays fervently to be enabled to withstand so great a temptation." This case furnishes an instance of the cure of disease located in the organs of destructiveness, by the occurrence of one in another part; viz., the skin. Dr. Prichard quotes the following, from Gall:—

"A young girl, of quiet and inoffensive disposition, and whose character has hitherto been exemplary, made seven different attempts

to burn houses in a village near Cologne. When interrogated as to the motives which had prompted her to act so wickedly, she burst into tears; confessing that, *at certain periods*, she felt her reason forsake her, that then she was irresistably compelled to the commission of a deed of which, when done, she bitterly repented. She was acquitted by a jury of all criminal intentions."

It has been before observed that *insanity*, so called, does not invariably presuppose *disease* of the brain. An excessive congenital or acquired development of an organ or organs, in whatever position of the brain located, that is in either the intellectual, moral, or animal regions—must be, it is clearly seen, equivalent to an increased functional activity dependant on irritation, inflammatory or otherwise, of the part or parts concerned. Sanity then presupposes a balanced action of all the mental qualities, intellectual, moral and animal; and therefore it is seen that an excessive action confined to one part only of the brain, to either the superior,* middle or inferior lobes of the organ, does not necessarily enfeeble the remainder; and hence, we must not measure the responsibility of a criminal, whose plea is insanity, by the general or particular integrity of the intellectual powers. Many of the most violent maniaes in Hanwell are most intelligent. In a few only, comparatively speaking, are the intellectual powers in themselves deranged. The diseased moral perceptions, it is which make use of the speech of the insane, to convey the temporary servitude of the intellect to them. I deny that the madman as a general rule, is unconscious, either of the disease which afflicts him, or of the nature of right and wrong. My firm conviction, too, is that the insane are as a body perfectly sensible of all they do and say. To suppose that the force and intensity of the affections or propensities, is in any way connected with the intellectual capacity of man or beast, is really too absurd to seriously refute. Yet, herein consists the very basis of the legal definition of insanity. To seek out the amount of

* In cases of original deficiency of the *perceptive* faculties, it has been remarked, that although the individual may have evinced some considerable ingenuity of a kind relating to his animal wants more particularly; yet has it been observed that the state of mind generally has somewhat approximated to imbecility. Some forms then of *imbecility*, it is presumed, may be associated more especially, with disease of the *perceptive organs* whereby, the external senses having lost their several media of communication with the reflective and moral powers; and these latter no longer receiving that stimulus which is natural to them, and relying wholly on the internal and suggestive impressions, might become enfeebled, and hence, probably a partial imbecility.

real responsibility in an individual case, we must be prepared with a knowledge of the whole nature of man, and not be content with a part only.

In our investigations into the nature and peculiarities of the various forms of mental derangement, it is our duty to consider not only the several conditions of the body both under circumstances of health and disease, but also the particular physical development of the brain itself, and its several parts. Just, as in the one case, disease of the liver, lungs, or heart is modified by the state of the general health, habit, idiosyncrasy, &c., so in the other, is disease affecting the brain, or its membranes, modified by the individual peculiarities of the cerebral mass, that is, by the mutual dependancy, or relationship, of its individual parts. The function of the brain may be said to realise certainly the most complex and intricate of phenomena the physiologist can conceive, inasmuch as every individual thought or determinate act of the judgment may be said to result from the union of so many distinct, yet reciprocal cerebral functions. Of course, then, the compounded mental phenomena will, in every case, vary with the slightest conformation of any one of the organs forming the entire brain.

Hence, if disease attacks one or more of the cerebral organs, its indications will be dependant on not only the abnormal condition of such organs respectively, but also on the activity of others, more or less distant and associated in function with it or them. In diseased states of the body, in disorders of the general health, it is frequently impossible to discover *a term* which shall convey a precise notion of the pathological changes in progress; so is it in the matter of insanity. This is plainly seen to be the case, if we regard the question phrenologically.

Some of the patients in the Hanwell Asylum appear as if partially intoxicated. They move from place to place in much the same unmeaning and incautious manner which characterises the drunkard pursuing his homeward course, after the satiety of the night's debauch: the same vacuity of countenance and listlessness of demeanour is portrayed by both. From which it may be inferred that the brains in each are in a similar physical state, with this difference only—the one is suffering a temporary derangement—the other one, more or less permanent. Others appear dreaming, though awake, and resemble, more than any thing else, so many somnambulists, communing with their uncontrolled thoughts and desires; which may, or may not, be incoherent. Such are easily aroused, and may be made to enter into conversation; and in which, oftentimes, no sign of insanity will be

apparent. It is very common to observe among the insane, that precise state of mind which obtains in unsound sleep. There must be very few who cannot recall to their memories a condition somewhat of conscious dreaming, characterised more or less by an incoherence, which no voluntary effort on their part has been able to resist. When awake, the mind of the dreamer retains a perfect remembrance of what has transpired, just as the insane patient, when restored to health, does in connexion with his own malady. Such are without any thing like illusion or hallucination. They are neither maniacs nor monomaniacs : nor can they be called imbeciles. So much, then, for the application of *terms*, to which we have above alluded.

We know three very instructive cases of mental derangement in Hanwell, in which the disease of the brain is made evident by an almost unceasing display of excited feeling, without illusion of any kind, or incoherence, or the slightest inclination to acts of violence, similar to that which we see *acted* on the boards of a theatre. These patients appear, when under the immediate influence of their disease, to exist in an atmosphere essentially artificial. Their gesticulations and general demeanour plainly bespeak the exaggerated character of their impulses. At other times these same patients are in every respect *sane*. Such are usually recognised as *maniacs*. It would be perfectly impossible to describe, more than very generally, the varieties which attend on insanity, the endless modifications of symptoms which denote disease of the brain. As well may we attempt to specify all the compound attributes of the healthy mind, and to assign them names ; for the diseases of an organ take their specific character from its state during health.

Insanity, like fever, is not necessarily of a continued type. The attacks of the first, like those of the second disease, may be quotidian, tertian, or quartan, or like neuralgic and hysteric affections, the recurrence of insanity may be at uncertain intervals. The duration of the attack is, as a general rule, equally uncertain with the period of its invasion, in those cases wherein the lucid interval is in any way protracted. There is a female patient, at the present moment, in the Hanwell Asylum, who is attacked daily with fits of suicidal impulse. The symptoms last commonly four or six hours. In passing through the ward in which is this poor creature, a few days since, she lamented to us, in the most affecting manner, the miseries she seemed so fated to endure, and expressed a most fervent prayer that she was like some others of the patients around her,

mentioning two or three, whose condition is that of approaching idiocy. When the attack passes off, she becomes comfortable, and occasionally, even cheerful.

There are a great many others in the asylum subject to paroxysms of ordinary mania, at intervals, as various almost as it is possible to conceive. "During the interval, the individual affected is, to all appearance, free from disorder, or the disorder ceases to display its manifestations, though the condition of the internal organs, which is the principal cause of the complaint has continued to exist." In so far as we have gone, it has been our endeavour to illustrate the connexion and dependancy of *the mind*, so called, on our corporeal condition. The brain must of necessity obey the same pathological laws to which the liver, heart, and lungs are made subject; and hence must its function, like that of the other parts of the body, depend equally on the integrity of our organism. It is not so generally known as it should be, that Gall has only done for the brain, what other philosophers have long since done for the other viscera. The substitution of truth for falsehood, of experiment and inductive research for self-sufficiency and ignorance, are fast converting the vain speculator into the practical man, and the *meta* physician into the philosopher.

We only wait so glorious a consummation to be rid at once of the unpardonable ignorance, and unparalleled brutality which has been so apparent in what relates to the case of Daniel M'Naughten.

At any rate, we have a right to infer from what is contained in the preceding sketch of the different forms and modifications of insanity, and its origin, in certain altered states of the brain and membranes, that the disease already appears to the reader a very different thing to that he has been in the habit of supposing it to be.

In submitting a review of the trial of Daniel M'Naughten to the public, we would be understood as making it an opportunity to expose some, at least, of the physiological inaccuracies which, at the present day, burthen the criminal law.

No medical man, whose knowledge of Physiology, is not sadly deficient, and who is not wholly unaccustomed to the treatment of the insane, can possibly dwell on the circumstances of the trials of many of those individuals whose plea has been *Insanity*—such as Blakesley and Cooper, for instance—without lamenting the very inefficient manner in which the question has been discussed. The law presuming to be based on correct notions of mental science, takes upon itself to fabricate a criterion of sanity, which would seem

destined to facilitate the solution of every difficulty, by removing every impediment to a minute and consistent investigation, into all the circumstances and peculiarities of individual cases.

Medical Science too, is guilty of a like inconsistency. Instead of bending to an investigation into the nature of derangement of the healthy function of the brain, it has preferred to perplex itself with an attempt only to discover a *definition* of it—of insanity. Both lawyers and doctors then, are equally to blame for thus pursuing the shadow, at the sacrifice of the substance. What would be thought of that pathologist, who content only with a general idea of the derangement in health of the heart, liver, or lungs, chose to prefer to define in some ten or twenty words the interminable modifications of disease of either one or other of these structures, rather than seek out a knowledge of the uses of its several parts; their arrangement and mutual dependancy. It is found that neither a legal or medical definition of the disease can avail anything; but on the other hand is only calculated to aggravate difficulties and retard the progress of both sound views of philosophy, and even justice itself.

A celebrated German writer has said, all legislation ought to proceed on the ground that the objects to which it refers, are well known and understood; but this knowledge failing, it is better that the law should leave things undefined than that it should define erroneously, and thus introduce mistakes, which would be perpetuated by its authority. To those who are disposed to assert that some kind of definition of insanity is necessary to a proper precision; I would reply that "since the history and the essential nature of the affections to which the law must have referred, may not always have been well understood;" it is desirable presuming the law to persist in having its definitions or designations, in reference to the insane, that it should give a preference to the *most general*, in order that the issue of each case might depend on its individual circumstances and their intrinsic value as parts of the evidence adduced.

"It is impossible," says Sir William Follett, "to lay down before hand any definition of the madness which will excuse the crime of murder; the disease assumes such different forms and such various shapes, and acts in such opposite ways, that *you cannot define it.*"

Before the time of Lord Hale, only two forms of mental unsoundness were recognized by the law, namely "idiotism," and *general* insanity. To his Lordship are we indebted for the legal recognition of partial insanity, or as it is technically called *Monomania*. It would be a perfect waste of time to enter into the consideration of

the various and contradictory statements, made both by Physicians and Lawyers, relative to the real *nature* of insanity ; its characters and criteria ; suffice it to say, and we do so without the slightest fear of a rational contradiction, that the general ignorance of the structure and uses of the brain, in a state of health, necessarily prevented all parties, whether medical or not, from making anything more than a very slight approach to the elucidation of those several phenomena which constitute disease. Therefore, it is that to the labours of the immortal Gall, and his humble followers, must be referred every hope of the future adoption in our English courts, of such advanced views of mental philosophy, as shall entirely and for ever bury in oblivion the fallacies of a by gone era.

Sir William Follett is represented to have said in his opening speech, "The whole question will turn upon this—if you believe the prisoner at the bar at the time he committed the act, was not a responsible agent—if you believe that when he fired the pistol, he was incapable of distinguishing between right and wrong—if you believe that he was under the influence and control of some disease of the mind, which prevented him from being conscious that he was committing a crime—if you believe that he did not know he was violating the law, both of God and man, then undoubtedly, he is entitled to your acquittal;" Sir William Follett adds—"But it is my duty, subject to the correction of my Lord, and to the observations of my learned friend, to tell you that nothing short of that excuse, can excuse him upon the principle of the English law. To excuse him it will not be sufficient that he laboured at the time under partial insanity, that he had a morbid disposition of mind, which would not exist in a sane person. That is not enough, if he had that degree of intellect to enable him to know and distinguish right from wrong ; if he knew what would be the effects of his crime, and consciously committed it, and if with that consciousness he wilfully committed it."

It appears then that the English law measures the responsibility of the criminal by his capability of distinguishing between right and wrong. We ask if it would not be more consistent to regard the moral responsibility of individuals, in proportion rather to the intensity of the animal propensities, which we have before observed are not in relation to the intellectual powers. By a reference to not only the various conformations of the human brain, but also to that of the brute, we find the animal or preservative instincts in strict accordance with the development of individual portions of the brain.

The same fact obtains relatively to the moral and intellectual qualifications of both man and brute. It is useless to conceal the fact. It must be always expedient to tell the truth. The cases of Delahunt and Cooper, who were executed last year, strongly confirm this position. Were the principles of Phrenological science regarded in the light they should be, the individuals just named, would never have suffered so ignominiously as they did. Their irremediable propensity to acts of violence, would long ere they imbrued their hands in blood, been discovered, and they would of course have been taken proper care of—not treated as criminals, but as moral patients.

With all those persons who are fortunate enough to possess well balanced brains—that is, those whose intellectual moral and animal regions are in due proportion, the propensities are at all times, except under circumstances of disease, under the wholesome surveillance of the intelligence and moral affections, and which aided by a natural admixture of secretiveness, tend not only to hold the conduct in harmony with the laws of social life; but moreover very happily conceal even *the shadowy thought of crime*, within their own bosoms. An organization of brain, less favourable to the preservation of virtue, would if not compensated by good precept and example, render the temptation less easily subdued. Moral responsibility then it is seen must be measured not so much by the ability to distinguish right from wrong, but rather by the general organization of the brain, and the extent and kind of moral education.

If consciousness, moreover, be the test of insanity—I am at a loss to comprehend the cases of by very far the greater number of the patients in the Hanwell Asylum. And if the English law, as it at present is constituted, excuses only that man from the consequences of a criminal act who cannot distinguish between right and wrong, and who does not know what he is about, then do we say, the sooner it is altered the better. *Of course our legislators are desirous to frame the laws which govern man in accordance with his nature.* In the Hanwell Asylum, there are about nine hundred and ninety patients; and of this number, from four to five hundred are daily occupied in the various domestic concerns of the establishment, in trades and labouring occupations. Now, of what use would employment be to these people, if they knew not what they did? If, too, as insane people, they were unconscious of their acts, and ignorant of the objects which surround them, how is

it they prove so expert in the various handierasts of life? 'Tis a mere delusion on the part of the *sane* to suppose that the insane generally—I do not mean those suffering from partial insanity only—have not a perfect use of both their perceptive and reflective faculties, *that is, in the abstract*. If we except those in the very last stages of the disease, the wards of every lunatic hospital will afford innumerable proofs of our position. By far the larger part of the brain ministers to the moral and animal feelings, and the smaller or anterior part to the intellect only, and, therefore, it is as it should be expected, the latter is less frequently diseased than the former. In the same manner that the sense of sight occasionally becomes the tool of the imagination, and under its influence gives “to airy nothing a local habitation and a name,” so do the intellectual powers, under circumstances of derangement of the affections, the moral feelings, and propensities, become, as it were, their agent, whose duty, it may be said, is to proclaim aloud the nature of the otherwise concealed and awful malady. This is precisely the case with more than two-thirds of the patients we are acquainted with. It is not generally known that during even the most violent attacks of complete and raging madness, the patient generally takes the most correct cognizance of every thing around him. Nothing oftentimes can escape him, not even a word, a look, or the most trifling circumstance. He is fully sensible of every attention, of every kindness, and on his recovery from the violence of the attack, he will apologize for whatever he may have done or said at all indelicate or disrespectful; and express, too, his great obligations for the care taken of him. There is at present in this institution a young man of much respectability, and who has had the advantage of a good education, unfortunately subject to the most violent attacks of recurrent mania. During the paroxysm, he is seldom incoherent, but so dreadfully is he preyed on by the morbid excitement of his propensities, that by the time the diseased action of the posterior part of the brain has reached its climax, he presents a fearful spectacle of the animal. At this time, we do not suppose any man is to be found, however sanguinary his nature, who, if he saw this patient, would for one moment entertain the slightest doubt of his total irresponsibility. Yet he knows well every thing he does and says, is perfectly conscious, and as sensible of right and wrong as any man, however sane. When in health, this young man is not only highly intelligent, but of excellent moral character, and very amiable. In less acute, and particularly in chronic cases of this description, and which the reader will bear in mind, make the bulk of

the patients within the walls of every lunatic hospital, it is generally easy to exercise a very considerable moral influence over the individual. How could this be effected if *he were unconscious and insensible of right and wrong, and ignorant of whatever he may say or do?* It must ever be borne in mind that the speech and actions of the lunatic, constituting, as they do, the *indications* of the disease which affects the brain, are, in a very large majority of cases, but the manifestations of a disorder of the affections and propensities over which the intellectual powers have not only no control, but are themselves made the mere instruments of their excitement, or irregularity. It is, then, too much the custom to regard the *effects* in the light of the disease itself. We forget that the character of man, though he may be *sane*, takes its individuality almost entirely from the peculiar characteristics of his moral nature. It is this which almost exclusively influences even *his speech and actions*, wherefore should we not even anticipate such to be the case among the *insane*? We have before shown that the diseases or derangements of a part, or organ, derive their abnormal character from the nature of their peculiar and healthy uses in the animal economy. The view we here take of the case is strongly confirmed by the fact of any one accustomed to the management of the insane, being able by a well-applied word, to change the current of the thoughts, and to divert the activity of the morbid feelings, and so effectually to develop a new action of the brain, as to temporarily convert the lunatic into a sound and healthy man. So frequently does this happen to us, that did not our practical acquaintance with the autopsic appearances of the brains of the insane disprove such, we should be disposed to regard the cerebral disease as confined to one hemisphere of the brain only, and explain the fact just mentioned, on the supposition of the two hemispheres of the brain relieving each other.

If, as Sir William Follett has assured us the *law* does not hold that man irresponsible, who labours under *partial insanity*; who has "a MORBID disposition of mind, which would not exist in a sane person," then does *insanity* under no circumstances excuse the commission of crime; for this very reason, that no *insane person*, has every mental faculty disordered. I believe, there is not *one* within the walls of Hanwell, even including the idiotic and fatuous, who does not retain some few powers of the mind, relating either to the intellectual, moral or animal compartments. Every case of insanity, then, is more or less *partial*. Under such circumstances, it becomes necessary for the jurist to devise some less objectionable test of responsibility, than that embodied in the question, of general and partial mental derangement;

seeing that, correctly speaking, insanity is never *general*; that is to say, it never involves *the functions of the entire brain*.

Lord Hale's opinions on the matter of general and partial insanity are quoted by Sir Wm. Follett, thus 1 :—"There is a partial insanity of the mind ; and 2 :—a total insanity. The former is in respect to things, *quo ad hoc vel illud insanire* ; some persons that have a competent use of reason in respect to some subjects, are yet under a particular dementia in respect of some particulars, discourses, subjects, and applications ; or else it is partial with respect of degrees ; and this is the condition of very many, especially melancholy persons, who for the most part discover their defect in excessive fears and griefs, and yet are not wholly destitute of the use of reason ; and this partial insanity seems not to excuse them in the committing of any offence for its matter capital ; for, doubtless, most persons who are felons of themselves, and others, are under a degree of partial insanity ; it is very difficult to determine the indivisible line which divides perfect and partial insanity ; but it must rest upon circumstances duly to be weighed and considered, both by judge and jury, lest on the one side there be a kind of inhumanity towards the defects of human nature ; or, on the other side, too great an indulgence given to great crimes. The best measure that I can think of is this, such a person as labouring under melancholy distempers, hath yet ordinarily as great understanding, as ordinarily a child of fourteen years hath, is such a person as may be guilty of treason or felony." It is very evident, from the preceding observations, as well as from the cases afterwards cited, that the general idea is, that the extent of impairment of the mental functions, that is the measure of insanity, its division into general and partial, is estimated only by the *apparent* effects of the disease on the "*reason*," or what is the same thing the extent and character of a morbid action of the brain, are deduced from the duration and intensity of one only of its symptoms. Lord Hale, it is seen, tells us any person, reputed partially insane, inasmuch as his *reason* will be equivalent to that of a child fourteen years of age, must be held amenable to the laws of his country. No doubt, his Lordship was well aware that the affections and propensities could not be held equivalent in the two ; and such are the *active powers*, and not the "*reason*," which, in cases of the kind quoted are almost passive. An individual in a state of health, properly considered, is able under all circumstances to hold his affections and propensities in abeyance. This wholesome power he possesses to a considerable degree in virtue, certainly, of the inte-

grity of his *reason* ; if, however this same individual becomes the subject of disease of certain parts of the brain, whose healthy function is limited to the supply of just so much of the animal, for instance, as is necessary to his well being, whereby the balance of his nature is interfered with, it is clearly seen that the excessive demand thus made on the governing power, whatever it may be, cannot be responded to. A pair of stout reins though well adapted for single harness, cannot prove so secure when applied to *two stubborn jaws*. His Lordship moreover has fallen into a too common error in supposing, that the intellect it is which exclusively governs the passions of man. The Phrenologist knows full well the necessity in predieating character of a close observation of the physical conformation of the superior regions of the brain, the seat of the affections, the sentiments, and those general moral and religious qualities, which sit so majestically on man, and constitute his especial prerogative. Such it is which impose the principal check on the propensities of our nature, and hold the reins of virtue. It is seldom sufficient only to know what is wrong, to avoid it. In order to illustrate practically the nature of "partial insanity" so called, and to prove the responsibility of those guilty of criminal acts, who may unfortunately suffer from this form of mental disease, the learned Solicitor General quoted at considerable length, the circumstances which attended the trial of Lord Ferrers before the House of Lords, for the murder of his steward. This lamented nobleman "had shown symptoms of insanity, in a previous part of his life, and his friends had been considering the propriety of taking out a commission of lunacy against him. He had quarrelled with his wife, who was separated from him ; and he conceived that his steward took part with her ; and called him into his library, where he made him kneel down, upon which he produced a pistol and shot him. Every one knows Lord Ferrers was found guilty of murder, and executed. So unfortunate and disgraceful an event could never have happened, had the real nature and extent of Lord Ferrers' mental derangement been understood ; and which we shall hope to make sufficiently plain to our readers as we proceed. The then Solicitor-General, on behalf of the prosecution, in following the opinions of Lord Hale before quoted, expressed his conviction, that nothing short of either "a total permanent or temporary want of *reason* could acquit the prisoner ;" but, added he, "if there be only a *partial degree of insanity*, mixed with a *partial degree of reason*," "then, upon the fact of the offence being proved, the judgment of the law must take place." Now, it would be no difficult matter to

go around the wards of the Hanwell Asylum, and find many scores of patients answering precisely the above description. And we feel quite sure, that there is not a judge on the bench who would entertain one moment's thought of the *responsibility* of such persons; did any one of them by a criminal act, expose himself to the formalities of a court of justice.

The cases of Arnold and Thomas Bowler were alluded to, as instances of monomania, or partial insanity. The first was tried for shooting at Lord Onslow, at the same time that he laboured under a delusion of mind that his Lordship had done him some injury. The second, Thomas Bowler, was executed for "wilfully and maliciously discharging a blunderbuss, loaded with bullets at Wm. Burrows, and wounding him with the contents in the neck and back; under circumstances which manifested *considerable ill will towards the prosecutor, and design in the execution of his purpose*. The defence set up was insanity occasioned by epilepsy. Elizabeth Haden, the housekeeper of the prisoner, deposed that he was seized with an epileptic fit on the 9th of July, 1811, and was brought home apparently lifeless; since which time she had perceived a great alteration in his conduct and demeanour. He would frequently dine at nine o'clock in the morning, eat his meat almost raw, and lie on the grass exposed to rain. His spirits were so dejected, that it was necessary to watch him, lest he should destroy himself. Mr. Warburton, the keeper of a lunatic asylum, deposed that it was characteristic of insanity, occasioned by epilepsy, for the patient to imbibe violent antipathies against particular individuals, even dearest friends; and a desire of taking vengeance upon them, from causes wholly imaginary, which no persuasion would remove; and yet the patient might be rational and collected on every other subject. He had no doubt of the insanity of the individual. A commission of lunacy was produced, dated 17th June, 1812, and an inquisition taken upon it, whereby the prisoner was found *insane*, and to have been so from the 30th of March, then last. Sir Simon Le Blanc, before whom the trial took place, after summing up the evidence, concluded by observing to the jury, that it was for them to determine, whether the prisoner, when he committed the offence for which he stood charged, was or was not incapable of distinguishing right from wrong; or under the influence of any illusion in respect of the prosecutor, which rendered his mind at the moment, *insensible of the nature of the act* he was about to commit; since in that case, he would not be legally responsible for his conduct." We need hardly add, that the execution of Thomas Bowler, is equally dis-

graceful to this country, as the entire absence of everything like a correct knowledge of mental philosophy, as displayed by Sir Simon Le Blanc, is to be regretted.*

In the Hanwell Asylum, there are about two hundred epileptic patients, and of whom we undertake to assert without the slightest fear of reasonable contradiction, that although these poor people, during the maniacal paroxysms to which they are subjected as a consequence of epilepsy, are as a general rule, perfectly capable of distinguishing right from wrong, are not under the influence of any illusion, and in all respects, *sensible* of every individual act; they are nevertheless as completely irresponsible for their actions, as the veriest idiot which has existence. To regard such as responsible, and to inflict upon them the *punishments* which the law awards to *crime*, is no less absurd than it would be to hold him, who is afflicted with chorea, or St. Vitus's dance, as it is vulgarly termed, amenable for his irregular muscular contractions, and unsteady gait. There is a more complete parallel between the two cases, than any one who is not a good pathologist would imagine. In both instances we have an apt illustration of a derangement of some part of the nervous system; the external symptoms of which, are in aggravated cases of either kind, as completely removed from the influence of volition, as is the continuance of the ordinary bodily functions. A grandson of this unfortunate man, Thomas Bowler, is at this moment a patient at the Hanwell Asylum; whose brother too committed suicide. The mother of these two men, who was the daughter of the said Thomas Bowler, died of puerperal insanity; the cause of her illness being the execution of her father. Others of the family retain a strong predisposition to mental derangement, and which is very seriously acted upon by a remembrance of the sad fate of their ancestor. The family are highly respectable. Few could have witnessed the agonizing grief, the frantic despair, and the absorbing and heart-felt misery which was so painfully disclosed by a recital of the circumstances, that the reader has been made acquainted with. How much of the dreadful affliction of this family had its origin in the untimely death of their predecessor!

There is a young woman in this establishment, who is an epileptic, and liable to very severe attacks of mania; during which she evinces a strong and uncontrollable propensity to acts of violence; so much

* Mr. Baron Alderson, on the occasion of the trial of Oxford, referred to this unhappy case in these words "*Bowler was executed, I believe, and very barbarous it was.*"

so, that there can be no doubt she would, at such times, kill any one she could get at, had she the means at hand. During the paroxysm she, of course, is kept in her room, and put under proper medical and general treatment. In our visits to this patient, we are under the necessity of preserving the greatest caution and vigilance lest she should in some way or other afford us a practical illustration of her ungovernable animalism. When the attack has passed off, she has told us how sorry she felt at having behaved so ill; at the same time that she has begged us to believe she could not help it. It is *common*, I repeat, for those who are liable to attacks of recurrent mania, whether or not dependant on epilepsy, though they be ever so much excited, or even incoherent, and however much the passions and feelings may be deranged; to speak at length on their recovery, concerning what they may have done or said; and to recur again and again to various incidents which may have transpired in the course of the paroxysm. There is one *female* patient in particular, who, at such times, not unfrequently exhibits considerable immodesty of behaviour. On her recovery from the attacks in which she has been guilty of this, she invariably takes an opportunity to tender her apologies; and which she does in the most becoming and retiring manner. We have heard her express extreme sorrow for the obscenity of her language, and assure those about her that it caused her "*very unhappy reflections*," and that she wished she could always forget what she said or did on such occasions. She has described her *consciousness* of her situation as painfully uncontrollable. Of course whatever obtains in acute forms of the disease, does so, in principle, equally in chronic cases. The attendants on the insane, if the least experienced, are perfectly aware of that we now assert; indeed, many *patients* have laughed even to us at the idea of their not knowing whatever they may do or say. Such are in the habit of calling themselves "*sensible lunatics*." We may here add, that it was only this very day that, on our morning visit to the wards, after being made to listen patiently to the incoherent abuse of one suffering from chronic mania; we took an opportunity, in the course of her extravagant speech, to suddenly call her attention to a new object. Having succeeded in awakening new thoughts and desires in her mind, we cautiously referred to the insane strain with which she first greeted us. At our desire, *she repeated the substance of that she had before said, and even, too, the very same terms of insult*. Her volition, however, soon became expended, and she relapsed again into incoherence, and so we left her. This case in itself plainly disproves

the opinion of Shakspeare concerning one of the indications of insanity—

“ It is not madness
That I have utter'd: bring me to the test,
And I the matter will re-word; which madness
Would gambol from.”

In a more chronic form of mental disease, wherein the long continuance of a derangement of the active moral powers necessarily induces a state of dementia, or fatuity, every kind of impression on the brain, whether it be intellectual or moral, is, of course, so slight, so temporary, that it cannot by any volition be renewed; in all such cases the test of the immortal bard applies with great force. The fact above narrated is, at any rate, a sufficient proof of the *consciousness* which very many insane patients possess of their own mental infirmity; and hence is its possession no more a criterion of *sanity*, in any degree, than it is one of *responsibility*. To recur to the case of Thomas Bowler. There can be no doubt that this man had been, at the least, for a period of nine months, to all intents and purposes *insane*, and, therefore, irresponsible for his actions, before the requisite steps were taken, which the circumstances of the case so imperatively demanded; and that during this period, not only were no effectual means provided to secure him from harm, but on the other hand, he was allowed to proceed about his premises with weapons of offence in his possession. Surely the consequences of an act like this ought never to be visited on the unhappy patient; on one, too, not only suffering a dreadful disease, but continuing to be exposed to all those causes likely to aggravate its symptoms. We learn from Sir William Follett, that in the course of the trial of Hatfield, for firing at King George III., Lord Erskine, said “that the prisoner must be shown to labour under some delusion; and it must also be shown that he committed the act in consequence of that delusion;” and in reference to the case of “the King *versus* Bellingham,” Lord Chief Justice Mansfield, after going over the old ground of reason versus irresponsibility; is made to say, that “There were various species of insanity. Some human creatures were void of all power of reasoning from their birth; such could not be guilty of any crime. There was another species of madness, in which persons were subject to temporary paroxysms, in which they were guilty of acts of extravagance; this was called lunacy. If these persons were to commit a crime when they were not affected with the malady, they would be to all intents and purposes, amenable to justice.” Lord Chief Justice

Mansfield, in reference to the question of *illusion*, would seem certainly to entertain a different opinion to that of Lord Erskine, inasmuch as he is made to say—"There was a third species of insanity, in which the patient *fancied the existence of injury*, and sought an opportunity of gratifying revenge by some hostile act. If such a person were capable in other respects of distinguishing right from wrong, there was no excuse for any act of atrocity which he might commit under this description of insanity." Sir William Follett adds—"Now, from that last observation of the learned Judge who tried the cause, it appears to me that a party *may labour under a delusion*, but still be very able to distinguish between right and wrong, and while *conscious* of the nature of his crime he cannot be excused from punishment for it." We shall, by and bye, show that the existence of an illusion, or hallucination, has not only little to do with the question of *responsibility*; but that, moreover, it is at all times a symptom only of mental derangement, which bears no proportion to the extent of the disease involving the brain. It may be presumed that to the different views expressed respectively by Erskine and Mansfield, that on the one hand Hatfield's life was saved; and on the other, that of Bellingham was sacrificed. The precisely similar nature of the two cases, when contrasted with the result of either; and the contradictory premises on which both were made to rest, call loudly for an alteration of the law, as it respects the question of insanity. Lord Lyndhurst, too, in agreeing with Lord Chief Justice Mansfield, is also opposed to Lord Erskine, as concerns the question of illusion, and its relationship to crime. It is evident that had the opinions of their Lordships proved the sole guide to the jury in their verdict, Daniel M'Naughten would, weeks since, have added to the numbers of public executions; and thereby increased if possible the indelibility of the stain, which disgraces alike the social and intellectual standard of this, in some respects, great country. In perusing the concluding observations of the very learned and able speech of Sir William Follett, we cannot but admire the impartiality and excellent feeling with which he exhorted the jury to a patient and unreserved investigation into all the circumstances of the case; the happy termination of which, we consider to have been in no slight degree dependant on it.

By a reference to the observations made by Sir Simon Le Blane, in what relates to the case of Thomas Bowler, before quoted; and also by a perusal of those made by Lord Chief Justice Mansfield, on the trial of Bellingham, among numerous other instances; it will be

perceived, that the generally received opinion is—should an individual reputed insane, during a lucid interval commit a crime; he must be held responsible for such, and be punished accordingly. In considering this question, it is necessary that the reader should recall to his memory the observations already made, which relate to the Physiology and Pathology of the brain. Many diseases which affect the body are of an intermittent character. That is to say, their indications are not permanent, but recur in Paroxysms—the intermediate period being free from suffering. This is the case in certain forms of fever,—as Intermittent and Heetic; in Neuralgic and Hysterical disorders; in Asthma, Hooping Cough, &c. &c. Now, in these cases it must not be supposed that because the symptoms are not continuous, the several causes which produce them are only temporary; and begin and end with their effects. Such is not the case. In cases of fever like those mentioned the cause is always permanent, and consists in an alteration of structure more or less remediable, of one or other of the internal organs. Neuralgia and Hysteria, though essentially paroxysmal, are invariably associated with some local and fixed origin. These diseases too like insanity, may be either idiopathic or symptomatic; or, even of a mixed kind.

Suppose a patient liable to angina-pectoris for instance, exposed in common with others to danger. To avoid it, it is necessary to depend on flight. Away they run impelled by one general desire—safety. The afflicted one has scarcely proceeded fifty yards, ere he is attacked with so violent a palpitation of the heart, and Dyspnœa, that he is nearly suffocated. To run is impossible. It is true such a person so long as he preserved a quiet and steady pace, may avoid an attack; or at any rate render himself less liable to its recurrence: but, under circumstances of the kind we have imagined, it is not likely the heart can preserve its normal action. The increased demand made so suddenly on its powers, is too sure to render the cause of the functional derangement active; its stimulus being too intense, and oft repeated, a paroxysm of what is called Angina pectoris supervenes. Now, *comparatively speaking*, this is the precise condition of a large number of the inmates of the Hanwell Asylum who are subject to recurrent Mania.

These poor people generally are pretty comfortable here; but are perfectly unadapted to an existence without its walls. If removed from participation in its order and regularity, and no longer subject to the kind and considerate dictations of those having the care of

them; but on the other hand exposed to the doubts and anxieties of life; its disappointments and irritations; they immediately become as insane as ever. Such are sometimes discharged on trial; but the organic disease of the brain or its membranes persisting, they no sooner become exposed to any of the ordinary causes of mental derangement, than it becomes necessary that they should be re-admitted. Like concealed and smothered fire, awaiting only the ingress of the atmosphere to give it life and the facilities of destruction, the physical condition of the brain is such, that it can no more resist the consequences of even a temporary and slight irritation, than can the mouldering fire the contact of Oxygen. Surely thus much should be considered in forming an estimate of the responsibility of that man, who may happen to be charged with an offence committed during a lucid interval of insanity. In reference to this matter Dr. Combe, thus expresses himself, "However calm and rational the patient may appear to be during the lucid intervals, as they are called; and while enjoying the quietude of domestic society, or the limited range of a well regulated asylum, it must never be supposed that he is in as perfect possession of his senses, as if he had never been ill. In ordinary circumstances, and under ordinary excitement, his perceptions may be accurate, and his judgment perfectly sound; but a degree of irritability of brain remains behind, which renders him unable to withstand any unusual emotion, any sudden provocation, or any unexpected and pressing emergency. Were not this the case, it is manifest that he would not be more liable to a fresh paroxysm, than if he had never been attacked. And the opposite is notoriously the fact, for relapses are always to be dreaded, not only after a lucid interval, but even after a perfect recovery. And it is but just as well as proper to keep this in mind, as it has too often happened that the lunatic has been visited with the heaviest responsibility, for acts committed during such an interval—which previous to the first attack of the disease, he would have shrunk from with horror."

These opinions of Dr. Combe are in perfect accordance with those of other writers on this question; namely, Haslam, Prichard, Hoffbauer, Mayo, and Ray; the last mentioned author says, "It has been accounted, that with certain reservations, the *civil* responsibilities of the insane are unimpaired during the lucid interval; because the mind is sufficiently restored to enable the individual to act with tolerable discretion in his civil relations. In respect to crimes, however, the matter is altogether different, for

reasons which will be not without their force, we trust, to those who have attentively considered the preceding remarks. These reasons are, that the crimes which are alleged to have been committed in a lucid interval, are generally the result of the momentary excitement, produced by sudden provocations; that these provocations put an end to the temporary cure, by immediately reproducing that pathological condition of the brain, called irritation; and that this irritation is the essential cause of mental derangement, which absolves from all the legal consequences of crime. The conclusion is therefore, that we ought never, perhaps, to convict for a crime committed during the lucid interval; because there is every probability, that the individual was under the influence of that cerebral irritation, which makes a man insane. Burdened as the criminal is with false principles on the subject of insanity; the time has gone by, when juries will return a verdict of guilty against one who is admitted to have been insane, within a short period of time, before the criminal act with which he is charged.

In connexion with the subject of insanity, and the responsibility of the insane, there is nothing which has attracted a greater attention than the question of "*partial insanity*," or "*monomania*." Persons are in the habit of supposing that individuals presumed to be so afflicted, are in the *slightest degree* insane. Nothing can be more absurd. Instead of the variety of mental derangement, so *nominated*, being invariably *partial*, or limited to one or two things, constituting illusion, or hallucination; it is found on a proper investigation that the "*monomaniac*," as he is wrongly designated, is as generally unsound, mentally speaking, as he well can be. A few days since, a male patient was admitted into the Hanwell Asylum, of whom the press had spoken as a *monomaniac*, the same who was found within the precincts of Buckingham Palace. This man's derangement partakes of the general character of *mania*. It is true he is not without his delusions: but, in him they constitute only a prominent symptom; a mere feature of the general moral perversion of his nature; which in point of fact, constitutes the disease under which he labours. Now, if this man had unhappily committed any great crime, it would have been given out, that he was afflicted only with a partial insanity; and hence, his responsibility would have been inferred, *though unjustly*. The most perfect case of really *partial insanity* we have ever known, and which is now within this institution, is without the slightest illusion or hallucination, and is unattended with either excitement or depression; the patient is not melancholic, or in

the least degree imbecile. She is every now and then attacked with the slightest incoherence, and her manners at the same time become a little strange and unsettled. The countenance is a little flushed, and she complains of some pain about her head. This lasts hardly twenty-four hours; and two or three months will elapse before the attack returns.

There are in the Hanwell Asylum, kings, queens, bishops, apostles, deities, &c., &c.; almost innumerable. We have taken considerable pains to learn the real state of the minds of these patients; and our decided opinion is, that their several assumed personifications, must be regarded only as a *morbid colouring* to their several deranged moral feelings; as a voluntary and tangible ideal of their innate, involuntary and morbid impressions. We have never seen but one case of the kind, in which it has appeared to us, that the patient had the slightest belief in her "*illusion*." We have at this moment a highly interesting patient under our care, who is labouring under what is called demonomania; and which very strongly confirms the view we here take of the matter. A female patient afflicted with "*moral insanity*" sometimes presumes to fancy herself the queen; when she may be seen taking considerable pains to mark her apparel; V. R., "Buckingham Palace," &c., &c. After the completion of her job, she will not unfrequently express considerable annoyance at her stupid behaviour. Many parallel cases are to be seen at Hanwell. In the active forms of *mania* too, the various and temporary illusions take their specific natures from the character of the predominant feelings. *Mania*, indeed, is nothing more or less than an acute moral insanity, correctly considered, in which the quick succession of the morbid feelings and propensities, are disproportionate in a general way, to the powers of utterance. *Monomania* then, regarded as a form of mental derangement, is very much oftener than otherwise, a mere symptom of moral insanity. Jurists should well remember, that illusions, or delusions, call them what you will, are not necessarily associated with the severer forms of moral insanity. There are in Hanwell many confirmed and aggravated cases, wherein nothing of the kind exist. Those only who will persist in abstracting the illusion from its cause; and so confine their attention to the mere symptom of a disease; can possibly recognize the least propriety in the use of such a term as monomania. Melancholia so called, is in the majority of instances, but one of the indications of moral insanity; though certainly there may be none other so prominent as *grief*. In cases of this kind, it is common for the patient in his attempt to

excuse the obstinacy of his feelings, and explain their absorbing and depressing effects on both body and mind, to associate his sufferings with some sufficient cause, and so realize the phantom which pursues him, to mock the belief in his identity, and challenge the external and veritable impressions on his senses, to a trial of their united strength.

An abyss separates the melancholies from the exterior world : they have said, "I hear, I feel, I see ; but I am not as I formerly was ; objects do not come to me—they do not identify themselves with my being ; a thin cloud, a veil, changes the colour and the aspect of bodies ; the most polished surfaces appear to be rough with bristles." The whole intellectual life of a person suffering under melancholy delusion is impressed with the character of his feelings ; and hence does it follow, as in moral insanity generally, or what is the same thing, in instances of a perverted or disordered state of the active feelings ; the former becomes the slave only of the latter ; and that too, with the full consciousness of the patient.

From the above observations, it will be understood, as we have asserted, that the existence of an illusion, or delusion, or hallucination, has not only little to do with the question of *responsibility* ; but that, moreover, it is at all times a symptom of mental derangement, which in itself bears no proportion to the extent of the disease involving the brain. Speaking of monomania, Dr. Prichard says—"Nothing, indeed, can be more remote from the truth than the opinion that madmen of this description have their whole disorder centred in, and restricted to one delusive idea. The false impression which occasions the disorder to be termed *monomania* is generally a particular symptom which supervenes on a previously existing affection of that kind, which I have already described as constituting in itself a particular form of insanity, and consisting in a total perversion of the moral character, feelings, affections, and habits of the individual who is the subject of it. One illusive notion, or set of notions, is to be traced in his mind ; which, for the most part, occupies his attention to the exclusion of almost all other subjects, and is ever uppermost in his thoughts ; but a careful inquiry will generally show that his whole mind is diseased. There are, indeed, cases on record, which answer to the psychological definition of monomania. It is said that persons have continued to exercise their profession, and to conduct themselves with propriety to the relations of life, who have yet been known to labour under one illusion. But if these examples are faithfully recorded, they must be regarded as extremely

rare phenomena. The real history of monomania is very different. It is well known to those who are conversant with the insane, that in persons who are considered as labouring under monomania, the mind is otherwise disordered and weakened ; though the characteristic illusion is the most striking phenomenon. The social affections are either obliterated or perverted ; some ruling passion seems to have entire possession of the mind, and the hallucination is in harmony with it ; and seems to have had its origin in the intense excitement of the predominant feeling ; this is always a selfish desire or apprehension, and the illusory ideas relate to the personal state and circumstances of the individual." " They relate sometimes to his fortune, rank, personal identity ; at others, to his health of body, and his sensations. In the former class of cases, the patient feels himself unhappy, fancies himself in debt, ruined, betrayed ; or being disposed to an opposite state of feelings, possessed of great wealth and affluence, and superior to all mankind. The difference of these impressions seems to depend on the different state of spirits ; the persons affected by the former kind of impressions are those whose minds are predisposed to gloom and forebodings of ill ; the latter kind affect the sanguine and excitable."

Denying, then, as we do most emphatically, the *partial* nature of monomania, so called, exclusively ; it may be asked us, what degree of responsibility we are disposed to attach to such a form of mental disease. We certainly do not agree with Mr. M'Murdo, the eminent surgeon, in his opinion, that partial insanity, whatever form of derangement it might assume, does not absolve from responsibility to the criminal law. As a pathologist, that gentleman must be well aware, that the symptoms of functional derangement of every part of our organism, are very frequently in the greatest degree disproportionate to the organic changes originating them, and vice versa. The minutest disorganization of the valvular apparatus about the heart, will not only derange the circulation, but considerably impair the action of the lungs, and even the brain itself. The most minute opacity of the cornea or lens, or the smallest drop of serum on the retina, in the axis of vision, will impair the sight ; and the slightest possible injury of any part of the brain, or membranes, it is well known, immediately affects the whole mind. The remote consequences, too, well merit our attention. There is not a form of mental disease, which is not, in every degree, occasionally caused by physical injury ; and both physical injury, and local, or partial disease of the brain, are, to all intents and purposes, analogous in their general effects ; and, pathologically

considered, differ in nothing more than their antecedent circumstances. From all of which it follows that that man who is irrational upon only one subject "*must* be deemed of unsound mind." The reply of "*the clerk*" to Mr. M'Murdo—concerning the question of insanity, as it related to Charles Dowie, who was examined some two or three weeks since at Guildhall; who is represented to have said that "while he spoke rationally *upon things in general* he was not to be declared insane, is admirable. If," said he, "*an apple had a speck, which affected the soundness of only a hundredth part of it, it would be correct to say it was an unsound apple.*" Upon the same principle, no geometrician would call an equilateral triangle complete, if either of its sides or angles were in the slightest degree imperfectly formed. Just as in the one instance the speck on the apple would facilitate its decomposition, and render it more susceptible of the several causes of decay; so in the other, does *partial insanity* deprive the individual of his responsibility, by removing his feelings and passions, from the dominion of his natural volition.

What well-informed pathologist would venture to limit the phenomena of a local or partial organic disease of the liver, lungs, or heart! *Why not so of the brain?* Therefore it is, we do not agree with the remarks contained in the "*Standard*," to the effect that "even the degree of insanity ascribed to M'Naughten, though it had continued up to the moment of Mr. Drummond's murder, and though it should continue up to the hour of his trial, does not amount to the degree of privation that ought to prevent his being treated as a murderer."

All those so afflicted are, for the most part, easily managed, though they cannot always manage themselves. A well applied word, a look even, will oftentimes be sufficient to avert their intended purpose and call out other faculties; and so effect a temporary cure. The governing power of such patients, being in the hands of others, they should never be entrusted with their own dominion. In truth, the very secret of the modern management of the insane, rests on the assumption that the mind is not wholly deranged, but only partially so. The moral treatment of those of unsound mind, is of the highest importance, and constitutes, as is well known, the admirable substitute for mechanical or physical coercion. It does not, though, consist in an unceasing indulgence of the indications of the mental disease; it does not recognise, as it is erroneously supposed, a principle of government, so much at variance with correct physiological views, so contradictory to common sense, and fatal to the patient. Neither is it

supposed to take the place of the medical treatment of the insane, any more than that which relates to their domestic management.

We come now to the consideration of the splendid speech of Mr. Cockburn. We have never listened to anything of the kind with half so much satisfaction and pleasure. It is wholly based on correct Physiological views; the opinions it contains are seen in harmony with modern philosophy; and whilst it reflects the highest credit on his judgment, it does so too on his heart. It must very materially facilitate the adoption in our Courts of Law, of those great and important truths, with which the name of Gall, is inseparably united. It must make its way against the trash and inconsistency which has even to the present time been regarded in the light of *mental philosophy*.

Mr. Cockburn says "It is now I believe, a matter placed beyond doubt, that madness is a disease of the BODY, proceeding from the cerebral organization; and that a knowledge of the disease can only be precisely and accurately ascertained by those who have made the study of this disease, and of its Pathology, the object of long reflection, of diligent investigation, and of attention and experience." He wisely asks "How can we, who are brought into contact only with the sane, how can we be competent to judge of the nice and shadowy distinctions, which mark the boundary line between mental soundness and mental disease?" Nothing is more astonishing to our mind than the extraordinary ignorance concerning insanity, which is generally displayed by visitors to the Hanwell Asylum. On their entrance within its walls, they appear to have no other ideas than such as would seem to arise out of the anticipation of the most awful scenes of imaginable distress. The only notion of the insane they have, is associated either with a raging and exhaustless delirium and fury, or a pitiable idiotcy. They are surprised to find the wards quiet and orderly; the patients generally respectful, and either engaged in reading, or in some kind of amusement, as cards, back-gammon, bagatelle, &c., when unoccupied in some household duty. Bless me they oftentimes remark, how very sensible they appear to be! Parochial authorities will occasionally presume to decide on the propriety of discharging a patient, merely because he happens to reply satisfactorily and sensibly to any questions they may choose to put him. Can any one fancy anything more absurd, than a party ignorant of the Physiology and Pathology of the brain, attempting to draw conclusions as to its state of health? Yet, is such common enough. In nothing do the advantages of truth appear with better effect, than

when viewed in connexion with either the nature of mental disease, or the treatment of the insane—Ray observes in his splendid work on the “*Medical jurisprudence of insanity*,” “Statutes were framed and principles of law laid down regulating the legal relations of the insane, long before Physicians had obtained any accurate notions respecting their malady; and, as might naturally be expected, error and injustice have been committed to an incalculable extent, under the sacred name of law. The actual state of our knowledge of insanity, as well as of other diseases, so far from being what it has always heretofore been, is the accumulated result of the observations which, with more or less accuracy and fidelity, have been prosecuted through many centuries, under the guidance of a more or less inductive Philosophy. In addition to the obstacles to the progress of knowledge respecting other diseases, there has been this also with regard to insanity, that being considered as resulting from a direct exercise of the divine power, and not from the operation of the ordinary laws of nature; and thus associated with mysterious and supernatural phenomena, confessedly above our comprehension; inquiry has been discouraged at the very threshold, by the fear of presumption, or at least of fruitless labour.” In order then to be rid of a law which has been productive of so much “error and injustice,” and which has, as is above shewn, been based on false data; let the legislature of this country set to work, and with the aid of those eminent in the medical profession, *not only avoid such a display of PHYSIOLOGICAL acumen as once transpired in the House of Peers, in future*; but frame a new one, which shall be so in harmony with the present advanced state of Physiological science, as to no longer deserve such an obloquy. As regards the *spiritual* nature of insanity, it is really too absurd to seriously contradict. The mere existence of such a belief constitutes a practical illustration of the awful—the lamentable ignorance which exists among us. The consequences moreover of such an opinion to the unfortunate lunatic, are of the most serious kind, and must convince us how truly the Bard of Avon thought when he penned these few words:

“Ignorance is the curse of God;
Knowledge the wing, wherewith we fly to Heaven.”

Of course the treatment of the insane, has been equally progressive with our acquaintance of its nature. Contrast the wards of the Hanwell Asylum, with the cells in which the poor lunatic was not long since doomed to exist. Compare the cleanliness of the one, with the

filth of the other. Look to the comparative condition of him, who released from his chains, and no longer incarcerated within the area of a few feet, has exchanged health for disease, happiness for misery, and freedom of limb, for a restraint not less horrible in itself, than it was injudicious and even cruel. "It is known," observes Mr. Cockburn "to all, that it is but as yesterday that the treatment of past ages the eternal disgrace of those ages, was persisted in towards those whom it had pleased Heaven to visit with the worst of human afflictions; towards those best entitled to the tender sympathies, and the kindly care of their fellow beings. How widely different was the treatment to that which now exists, to the happiness of the unfortunate, and to our own honour. It was but as yesterday that in darkness and solitude, cut off from the rest of mankind, like the lepers of old; the dismal cell, the bed of straw, the loaded chain, and the inhuman scourge, were the fearful lot of those, who were best entitled to human pity, and christian sympathy. When that state of things existed, you will not wonder, that in former times, these unhappy persons were looked upon with a different eye." Mr. Cockburn nobly adds, "Thank God, science and humanity have reached the dreary abodes of those miserable beings, and whilst the one has poured the balm of consolation into the bitter cup; the other has held the light of science over our hitherto imperfect knowledge, has ascertained the true existence of the disease, and has marked its boundary in order to the restoration of the sufferer. You can easily understand, when thus separated from the rest of mankind, that the treatment soon converted a person whose reason was only partially obscured, into a raving madman. Propositions and maxims arose during these times of ignorance, and thus alone can I explain the crude maxims, inapplicable to all the forms of disease, which are everywhere laid down." Ray, whom we have before quoted, in his criticisms of the legal opinions of Lord Hale, before considered; says "In the time of this eminent jurist, insanity was a much less frequent disease than it now is; and the popular notions concerning it, were derived from the observation of those wretched inmates of the mad-houses, whom chains and stripes, cold and filth, had reduced to the stupidity of the idiot, or exasperated to the fury of the demon." "Could Lord Hale have contemplated the scenes presented by the lunatic asylums of our own times, we should undoubtedly have received from him a very different doctrine for the regulation of the decisions of after generations."

We here repeat what we have before said, that to measure either the degree of insanity, or the responsibility, of an individual by the

extent of his reason, his understanding, is very wrong. If this were the criterion to decide the question of insanity, hundreds even of the inmates of Hanwell, to all intents and purposes insane, and therefore irresponsible, have not only any longer claim on the attentions of their fellow-men, but are in a position to recover damages at law; and on this point alone, is there abundance of evidence to shew the fallacy of Lord Hale's opinions. Dr. Prichard says, in allusion to Lord Hale's definition "this measure of the understanding might be in some manner applicable to the different degrees of imbecility, or mental weakness; but it would be impossible to refer it to any case of insanity, properly so termed, in which the powers of intellect are rather perfected and wrongly exercised, than obliterated or effaced." The intellectual capabilities of a very large number of even the most decidedly insane, and those found most troublesome to manage here at Hanwell, are in every way sufficient to the ordinary purposes of life; are in fact, so far as their understanding alone is concerned, in no way altered from that they originally were. Under circumstances of excitement, of violence, whether or not attended with incoherence or temporary delusive notions, they retain as complete a *consciousness* of every thing about them, and of their speech and actions, as the attendants under whose care they are. However extraordinary it may appear to persons unaccustomed to the insane; yet, do we repeat that the idea of supposing them generally ignorant and insensible of all the sane are acknowledged to take cognizance of, is no less erroneous that it would be to declare a patient unconscious of the more ordinary manifestations of disease or derangement, of any other portion of our organism. The only difference is in the signs or symptoms of the respective diseases. In all cases of *insanity*, properly speaking, or rather of mental derangement, exclusive of that form of disease recognized by the term dementia, whether congenital or consequent on acute cerebral disease, or an attendant on advanced age—the speech and actions of the lunatic must be regarded only in the light of *symptoms* of the abnormal condition of the affections and propensities; which, under circumstances of *health*, as well as *disease* impart *the character* to man. An apt yet highly painful illustration of the nature of our position is afforded in the condition of one suffering from hydrophobia. Though impelled to the most extraordinary and rabid conduct, the sufferer still retains a perfect *consciousness* of all he may do or say. We have observed this till within even a very short period of dissolution.

What moreover prompts the endearments of parental affection? What suggests the fond lisplings of maternal care? To what are we indebted in a Siddons or a Kean—for those splendid, almost matchless, ideal personifications of character, whose enchantment is thrown around every heart? How account for the extravagance of desire, the prejudice of feeling, the deep-laid schemes of dissimulation and fraud, the ceaseless ambition, and untiring perfidy of man? What in all this do we witness, but the promptings of the affections and propensities? With the *sane* these are under the control of the will; they are, too, preserved in *order*: such is not the case, however, with the *insane*. Hoffbauer has expressed a similar opinion, and Dr. Prichard has affirmed that “the morbid state of the feelings and moral affections which is almost universally present in this disease”—insanity, does not pre-suppose such an interference of the intellect as to imply any thing like an incapacity to civil acts.

Moore has decidedly recognised the same mental phenomenon in his poem entitled the “Veiled Prophet of Khorassan.” In the rich and charming description of Zelica’s despondency, are these lines—

“Warm, lively, soft as in youth’s happiest day,
The *mind* was still all there, but turned astray;
A wandering bark, upon whose pathway shone
All stars of Heaven, except the guiding one!”

The observations of Lord Erskine, quoted by Mr. Cockburn, are peculiarly valuable, and well adapted by that gentleman, in the course of his well-arranged and admirable speech for the defence. They very materially confirm the above views. Lord Erskine has declared—“If a total deprivation of memory was intended to be taken in the literal sense of the words—if it was meant that to protect a man from punishment he must be in such a state of prostrated intellect as not to know his name, nor his condition, nor his relation towards others—that, if a husband, he should not know he was married, or if a father, could not remember that he had children, nor know the road to his house, nor his property in it—then no such madness ever existed in the world.” He adds, very wisely—“It is *idiotcy* alone which places a man in this helpless condition; where, from an original mal-organization, there is *the human frame alone, without the human capacity*.” Lord Erskine assures us that the result of his great experience has convinced him, that among insane persons there are those “who have not only had the most perfect knowledge and recollection of all the relations they stood in towards others, and of the acts and circumstances of their lives; but have been in general remarkable for sub-

tlety and acuteness." "*Reason is not driven from her seat, but distraction sits down upon it along with her, and holds her trembling upon it, and frightens her from her propriety. Such patients are victims to delusions of the most alarming character, which so overpower the faculties, and usurp so firmly the place of reason, as not to be dislodged and shaken by the organs of perception and sense.*" These words convey a very just idea of "*moral insanity*" passing on to "*monomania*;" to which, in the case of Daniel M'Naughten, is superadded a *homicidal impulse*. This last is the ordinary attendant on the existence of illusions which involve the idea of personal harm. It may be regarded as the natural effect of an unreal yet not unnatural cause. Such was the precise condition of things in relation to the case of Oxford, who was indicted for the murder of one Chisnall; and of Arnold, who shot at Lord Onslow. He, however, was found guilty and condemned to be executed. The intercession of Lord Onslow prevented it being carried into effect.

Mr. Cockburn observes "In any one of the intellectual or moral faculties of the mind there may be disease, by which a man may be *impelled by delusions*; he may be the creature and the slave of frantic influences, which, rising from time to time, in intensity, may, at last, bring him to the commission of the worst of crimes." He adds—"The question is not whether an individual knew that he was killing another when he raised his hand to destroy him, although he might be under a delusion; but whether under that delusion of mind he did an act which he would not have done under any other circumstance, save under the impulse of the delusion, which he could not control, and out of which delusion alone the act arose." In confirmation of which he quotes Lord Erskine thus—"Delusion, therefore, where there is no frenzy, or raving madness, is the true character of insanity; and where it cannot be predicated of a man standing for life or death, for a crime; he ought not, in my opinion, to be acquitted; and if courts of law were to be governed by any other principle, every departure from sober rational conduct would be an emancipation from criminal justice." Now, it has been before shown that the existence of an illusion does not in itself constitute *insanity*; but that it is only a symptom of a disease of the brain, which involves the affections, the moral feelings, of our nature, the most common form of which is "*melancholia*," so called. A knowledge of this fact is of great importance. If it were generally recognised, not only should we be saved the regret ever attendant on the infliction of punishment on one insane; but, what is perhaps more, society

would be effectually protected by the confinement of those so afflicted, within a lunatic asylum. Dr. Prichard observes that this form of mental disease we are here speaking of—"moral insanity," is generally made evident by a change in the habits of life and temper, a prostration of the natural feelings and affections, a loss of the sense of moral rectitude, and a complete deprivation of self-control. He adds—"Of this description of cases, I have met with very many instances, not among those who have fortunately been treated as insane; but among such as, remaining at large, have gone on from one misfortune to another, till they have become beggared in estate and reputation, and sunk at length into a loathsome gaol, or a wretched workhouse." And others we have known most brutally sacrificed by the laws of this country; among whom are both Cooper and Blakesley, of recent date. Had it so happened that the disease of the brain, or membranes, from which they both suffered, in addition to the other symptoms which marked its existence, been farther indicated by illusion, or hallucination; the lives of these men would have been spared. We may here add that "*moral insanity*," as described by Dr. Prichard, is recognised by a host of authorities, including Esquirol, Georget, Marc, Elliotson, Hitch, Woodward, &c. The two last writers have employed respectively the expressions, "*insane in conduct and not in ideas*," and "*moral idiotcy*." There are, as has been before observed, many cases of the kind at Hanwell. Of course, of all the modifications of mental derangement it is generally the most difficult to discriminate from crime. Now, Mr. Cockburn has very properly told us, that "perception, judgment, reason, sentiments, affections, propensities, and passions, one, or all, may become the subjects of this sad disease," meaning thereby that every individual portion of the brain, or quality of the mind, to speak more comprehensively, may, *per se*, give indications of its derangement: thus a becoming self-respect may degenerate into a deplorable and absorbing egotism and pride, the mild and fascinating demeanour of the sincere christian may be exchanged for the rancour and intolerance of fanaticism, a necessary caution and prudence, may pass into a painful and uncontrollable timidity and suspicion; and which may severally be in so great an excess, as to wholly unbalance the mental faculties, and render the individual the prey of one exclusive passion; the consequence would be, the conduct could no longer be preserved in harmony with the laws of social life, and the individual therefore must be deemed in every respect insane. If this be true, and there can be no doubt of it, the association of a delusion with the act, it will be readily seen, is

not necessary to constitute either insanity, or responsibility; as both Lord Erskine and Mr. Coekburn have asserted. In the case of Daniel M'Naughten, such was evidently the fact; and had it been otherwise the probabilities are, the poor fellow would have been hanged.

We cannot do better than refer our readers to the words of Mare, the celebrated French physician; the which are quoted too by Mr. Coekburn :—

In Mare's treatise, "De la Folie," p. 25, quoting M. Esquirol, he says, " 'La monomanie homicide est done un délire partiel, caractérisé par une impulsion plus ou moins violente au meurtre; tout comme la monomanie suicide est un délire partiel, caractérisé par un entraînement plus ou moins volontaire à la destruction de soi-même. Cette monomanie présente deux formes bien distinctes. Dans quelques cas, le meurtre est provoqué par une conviction intime, mais délirante; par l'exaltation de l'imagination égarée, par un raisonnement faux, ou par les passions en délire. Le monomaniac est mu par un motif avoué et déraisonnable; toujours il offre des signes suffisants du délire partiel, de l'intelligence ou de l'affection. *Quelquefois sa conscience l'avertit de l'horreur de l'acte qu'il va commettre; mais la volonté lésée est vaincue par la violence de l'entraînement; l'homme est privé de la liberté morale; il est en proie à un délire partiel, il est monomaniac, il est fou. Dans d'autres cas le monomaniac homicide ne présente aucune altération appréciable de l'intelligence ou des affections. Il est entraîné par un instinct aveugle, par quelque chose d'indéfinissable qui le pousse à tuer.* Quoique nous ayons dit, il y a un instant, que la monomanie était souvent exempte d'hallucination et d'illusions, il existe des faits assez nombreux où ces complications ont fait verser le sang, soit que le monomaniac s'imaginât être en danger, éprouver des insultes graves, soit, qu'il se trompât sur la qualité des personnes. Parmi les exemples à l'appui de cette dernière assertion, M. Esquirol expose le suivant; 'Mes jours ont quelquefois été mis en danger à la Salpêtrière, par une jeune fille qui était entrée dans l'hospice maniaque et nymphomane; après quelques mois, la manie cessa, mais je devins l'objet des emportements de cette fille. Habituellement calme et ne déraisonnant plus, toutes les fois qu'elle me voyait, elle m'adressait des injures. Si elle ne pouvait se précipiter sur moi, elle me jetait tout ce qui tombait sous sa main, pierres, pots d'étain, sabots, &c. Elle voulait m'ouvrir le ventre pour me punir de mes dédains. Un jour, étant à l'infirmerie pour une maladie accidentelle, elle se laisse aborder avec l'appareil de la douceur; dès que je fus à sa

portée elle me saisit la cravate, et m'aurait étranglé si elle n'en eût été empêché. Cette malade me prenait pour un homme qu'elle avait aimé."

We would take the liberty to direct the attention more especially to the lines in italics. They should be engraven indelibly on the memories of all.

Only a few days since we were consulted respecting a young married woman, the subject of a *sudden and violent attack of homicidal mania*. She had eaten her dinner as usual, in the company of her husband and family. They had had no kind of dispute. The husband had hardly returned to his employment, ere he was alarmed by the sudden appearance of his wife. She ran towards him, in the most excited and frantic manner, beseeching him to take care of her child, or *she must kill it*. She carried it in her arms to him, and besought him to save its life: we saw her within a short time of this occurrence. The intensity of the paroxysm, happily abated after a few hours, on the employment of suitable medical and moral means; and at this time she was occupied only with the contemplation of the awful deed which had threatened her. Finding herself "*entraîné par un instinct aveugle*," and that her moral liberty, her responsibility was fast leaving her, she ran to her husband for protection. Had she not found him, the consequences would probably have been most serious. *Breathes there the man who would have held her criminal!* WE FEAR MANY.

A very considerable portion of Mr. Cockburn's splendid address is devoted to prove that one insane, though "phrenzied at the time on one point, may shew the highest degree of subtlety on that point, and be in the full possession of his ratiocinative powers upon every other point;" that the madman may in carrying out his fell purpose, not only shew himself perfectly aware of the nature of right and wrong; and in every way competent to manage his own affairs, and discharge all the relations of life; but will in so doing, exhibit all the skill, forethought, subtlety and cunning, of an individual in the possession of his ordinary faculties. The cases cited by Mr. Cockburn, are full of interest, and in every respect conclusive. If doubters are to be found, we will take this opportunity to beg of them to withhold their final judgment until they have paid a visit to the Hanwell Asylum. They would then discover that the power of *design* is really not incompatible with the existence of insanity. Ray says, "What must the thought of the attainments of those learned authorities in the study of madness, who see in the power of systematic design a disproof of the existence of insanity: when from the humb-

lest menial in the service of a lunatic asylum, they might have heard of the ingenuity of contrivance, and adroitness of execution that pre-eminently characterises the plans of the insane." We have known both the attendants and patients laugh at and ridicule the shallow conceptions of visitors to the Hanwell Asylum in matters relating to the nature and treatment of insanity.

A P P E N D I X.

In order to anticipate the difficulties which would be thrown in the way of justice, the daily Times published a long extract from the speech of Lord Chief Justice Mansfield, delivered on the trial of "Bellingham for the murder of Mr. Pereival." We very much regret that the opinions it contains, being as they are purely assumptive, and calculated in every way to veil a knowledge of insanity, and thereby expose society to a repetition of the same dreadful acts to which the lives of so many excellent and good men have been already sacrificed, among whom are Mr. Pereival and Mr. Drummond, should have been afforded such publicity. The only excuse for the appearance of such a document, is that the editors of the paper are unaware of the discoveries of modern science.

A correspondent of the *Times*, who called himself "*Protection*," seems disposed to regard the partially insane, as responsible as others not so afflicted, and as able to regulate their feelings and desires as other men. If among the "*half-cracked*," pains were taken in every instance, to discriminate the responsible from the irresponsible, or rather the gentle from the dangerous, and to remove the latter from society, to a proper place of confinement; there could be no longer a semblance of necessity for the puerile effusions of "*Protection*," who does not seem to be aware that those who are "sufficiently sane to be allowed their liberty" are very unlike M'Naughten. He may at the time he wrote his letter have known this, if he had chosen. We are informed too, on the same authority, that Mr. Wakley has declared that it is only necessary for a man to feign insanity, to commit any criminal act with impunity. We deny that the plea of insanity is calculated to allow the most atrocious murderers to escape justice. Feigned insanity like other feigned diseases is to be detected: if such were not the case, then would the

observations of that gentleman apply. We beg to add that no insane person,—unless he be demented, and which is not generally the case,—in the use of a pistol would “put in sawdust instead of powder, or the ball first and the powder after;” neither would he be likely to shoot his victim in the foot, or hands, or hat; but, in a vital part. For insanity as we have shewn, is not a disease which involves the intellectual powers so much as the affections, the sentiments and propensities.

The interesting cases cited by Mr. Cockburn, are in themselves conclusive on this point; and the wards of the Hanwell Asylum abundantly testify to the same. In a leading article of the *Times* for March 6th, after a considerable deal of very virtuous hesitation on the part of the writer, he requests the medical witnesses to define where sanity ends and madness begins; and because Sir A. Morrison and Dr. Monro declare their conviction “that the prisoner had laboured under a *morbid delusion* of which this murder was the climax” he infers that to absolve him from the consequences of the act, would be to encourage every “*oddity*,” and “*queer habit*,” and *peculiar fancy*,” and so create a monomaniacal state of mind; which “*self-engendered insanity*” may be pleaded in defence of crimes to the perpetration of which it might have contributed.”

To those who are conversant with the nature of the illusions of the monomaniac, so called, the extreme absurdity of the above will appear sufficiently obvious. A *morbid illusion* is only a symptom of mental derangement; one of the indications only of a disease of the brain, which involves the moral nature of man. If the writer of the article we are considering, does really “want to know”—“what in future is to be considered sanity,” let him study approved works on the physiology and pathology of the brain; and he will then know that “a man may talk and write correctly on matters of business, and give a good account of what is passing around him, and pronounce a correct opinion of men and manners,” and yet be as plainly *insane* as *he* is now in error. He will too be convinced that the “various tastes and whims” of the sane, hold no relationship, to the illusions of the monomaniac; and that the latter *are*, too, in very many cases, “superior to the impulses of vanity, avarice, or revenge.” And although the writer “rather believes” that “such are the predominant passions of most monomaniacs” we are certainly induced to think otherwise. “To reflect that a fellow man has been prematurely cut off from the

duties and enjoyments of a well-spent life, by the unsuspected blow of an assassin, who laboured under a morbid delusion, of which murder was the climax," is truly a very lamentable thing. The only way to prevent a repetition of the same, is to disseminate correct views of insanity; and make the friends and relatives of patients so afflicted responsible for their care of them.

A very excitable gentleman, who calls himself "Justus," in the same paper, would persuade us that the acquittal of Daniel M'Naughten proves the "moral irresponsibility of the murderer." And, to prove to the readers of the *Times* his erudition and research, tells us that the term "homicidal monomania" has been recently invented! We fear Mr. Justus is a little incoherent at times; the beginning, middle, and ending of his letter, are pretty fair criteria of the unsettled state of his mind. After sympathising with the public, concerning the irresponsibility "on the part of the relatives in leaving such dangerous lunatics at large," and making even some sensible remarks thereon, he says—"a perusal of the two days' proceedings in the Central Criminal Court would almost persuade us to give our sympathy to the murderer, and not to the murdered." "The prisoner is *unfortunate*"—"is in an unhappy situation, and all must regret the fate of the victim." "Such is the dainty language in vogue, which tends to foster the false morality of the morbid humanitarians of the day."

The *Times* of March 9th, favours us with an article called "Plea of Insanity," which is intended to show that whilst the physician is to be content with a knowledge of the causes, prevention, and cure of madness; the law must judge of its effects on society, and take measures to prevent those effects. This would be all very well if dangerous lunatics were expected to retain their liberty; and we are not aware certainly that any such thing is contemplated. The *Times* adds—"His"—the physician's—"discipline is moral; it is one of rewards and punishments; which, of course, naturally imply each other." Now, to show the fallacy of the inference deduced therefrom, we need only add, that, although the treatment of the insane embodies moral means, it nevertheless takes no cognizance, either of rewards or punishments. Evidently, the writer's knowledge of the matter is wholly derived from an era now extinct. The management of the insane is, at the present day, rational and humane; and is based on those general philosophical principles which characterise that of others suffering from disease or injury of other parts, exclusively of the brain.

If Daniel M'Naughten's "morbid delusion," had been exchanged for "an actual reality," there would have existed no disease of the brain, or membranes, to rob him of his moral agency. We wonder at what school of pathology the writer studied! Where did he graduate? The *Sunday Times*, in a very angry article, takes upon itself to denounce, in very set terms, every kind of truth it cannot comprehend; and pinning its faith to the errors of Lord Hale, deduces inferences therefrom no less objectionable.

The *Standard* assures us that, although it is too respectful to dispute the propriety of M'Naughten's acquittal; *it is, nevertheless very unsatisfactory!!* The *Standard* has from long use it would seem, grown so desperately fond of the "law of England," and its "high authority," that it *will not* see the errors of the one, or dispute the propriety of the other. It will perhaps be satisfactory to the writer of the leading article of this paper for March 6th, to learn that the law, as it relates to insanity, is based entirely and exclusively on erroneous physiological views; and therefore is it entitled in this particular, to as little esteem and consideration, as the veritable chimeras of the very respectable old gentlemen he has quoted. The authorities referred to, in common with the others, only implied "run in a uniform current" of *ignorance*. The sooner, therefore, they are forgotten, the better for science, for humanity, and religion. The fact mentioned of Bellingham and others having been made to atone on the scaffold for their *insane* acts, proves only the predominance of passion and ignorance, over virtue and intellect. The general style which the *Standard* has adopted in this particular instance, conveys to the reader, uninfluenced by prejudice or revenge, not only a conviction of such predominant propensities in the writer's mind; but also a desire to see every kind of *learning* devoted rather to the inculcation of *truth* than to the support of *falsehood*. "*What is a MONOMANIAC?*" *Writer* are you *sincere* in your question? Do you wish to *know* what a monomaniac really is? May we beg your attention to the preceding observations? If not, read at your earliest convenience the writings of Gall, of Spurzheim, and of Prichard: and not until you have done so again and again, and deliberately and unprejudicedly thought over them, will you be prepared to write on the subject of monomania; though it be in the ephemeral columns of a daily paper. Be assured *monomania* does not mean a mere "extravagance upon one particular point" any more than *learning* implies an exclusive knowledge of antiquarian lore: which the gene-

rality of those ignorant of modern science would persuade us. Who, I would ask, but the mental philosopher, the physician, should be expected to speak correctly either as to the sanity, or responsibility of an individual?

If the insane are to be held responsible, which the *Standard* infers, we then lose sight of the legitimate object of punishment; namely prevention of crime. What madman would be likely to be deterred from criminal acts, by the fear of punishment! The idea is absurd. So horrible a thing then as the execution of one insane, can only be regarded as *vengeance*; and which as Victor Hugo has said "only belongs to the individual—punishment to God." As an example to the sane, the execution of the lunatic being nothing more or less than a crime, in which many are concerned, if it act as an *example* at all, it must have a contrary effect to that intended. The parallel attempted between the watches of Charles the Fifth, "no two of which would keep exact time," and mental health, is precisely what we should expect from one who has taken no pains to inform himself respecting *man* as he is.

"'Tis Heaven each passion sends,
And different men, directs to different ends
Extremes in nature, equal good produce;
Extremes in *man* concur to general use."

The *Morning Post* refers to the illusions of the insane, as analogous to the hallucinations of the sane. Strange infatuation! It then proceeds to draw a comparison between the issue of the trials of Bellingham, and M'Naughten. It is true "Bellingham was hanged." It is not true M'Naughten "*lives in clover*." The writer of the article we are considering, surely does not mean to say that the conduct of D. M'Naughten was characterized by *cowardice and treachery*. He must have forgotten the circumstances of the case when he penned such words.

The "*Illustrated London News*," the "*Mirror*," and the "*Watchman*," all echo the ignorance and malice of the *Times*, the *Standard*, and the *Post*. How consolatory it must be to all lovers of truth, to know, that there are splendid exceptions to the above, in the *Herald*, the *Spectator*, the *Weekly Dispatch*, *Morning Chronicle*, &c. To conclude; we do not hesitate to predict that the inevitable progress of mental philosophy, and what is the same thing of insanity, will induce people in contrasting the opposite opinions of the public press,

to draw conclusions as to the former papers here mentioned, in no wise creditable. *They* will eventually find themselves in much the same position as the Quarterly and Edinburgh Reviews *are*, in reference to Gall and Phrenology. The "*unhappy lines*" of Mr. Campbell, "our greatest of living bards," shows us how the most splendid powers of intellect, might be misdirected.

THE END.

LONDON:

PRINTED BY SCHULZE AND CO., 13, POLAND STREET.

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